

**Agenda for Licensing and Enforcement Sub
Committee**
Wednesday, 6th March, 2024, 9.30 am



Members of Licensing and Enforcement Sub Committee

Councillors: K Bloxham (Vice-Chair), R Jefferies and J Whibley (Chair)

Venue: Council Chamber, Blackdown House, Honiton

Contact: Sarah Jenkins;

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(or group number 01395 517546)

Monday, 26 February 2024

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- 1 Minutes of the previous meeting held on 21 February 2024 (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 permit licensable activities at the Sidmouth Folk Festival event in Blackmore Gardens and Peacock Lawn, Blackmore Drive, Sidmouth EX10 8LA (Pages 6 - 70)
- 7 Determination of an application for the grant of a premises licence to permit licensable activities at the Sidmouth Folk Festival event at the location known as Betsy's Knapp, Corner of Bickwell Lane and Station Rd/Bulverton Rd, Sidmouth (Pages 71 - 118)

Due to the requirements of the Licensing Act 2003 only parties to the hearing are permitted to address the sub-committee (through their representative as appropriate).

[Decision making and equalities](#)

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EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Licensing and Enforcement Sub Committee held at Clyst Room, Blackdown House, Honiton on 21 February 2024

Attendance list at end of document

The meeting started at 9.30 am and ended at 10.20 am

35 Minutes of the previous meeting held on 6 February 2024

The minutes of the previous meeting held on 6 February 2024 were agreed and signed as a correct record.

36 Declarations of interest

There were no declarations of interest.

37 Matters of urgency

There were no matters of urgency.

38 Confidential/exempt items

There was one item which officers recommended should be dealt with in this way at minute 41.

39 Hackney carriage vehicle suitability

The Sub Committee considered an application to license a vehicle that was registered with the DVLA as an N1 light goods vehicle before being converted into a passenger vehicle. The Sub Committee was asked to consider whether the vehicle meets the requirements under the Council's Hackney Carriage and Private Hire Vehicle Licensing Policy and to determine whether the application should be granted.

The Chair introduced the members of the Sub Committee and the attendees present.

The applicant, Mr Marcin Przyborowski, was present.

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

The Licensing Officer, Mrs Emily Westlake, outlined the application to license the vehicle, registration number WJ23 PVF, as set out in the report.

In response to a question from the Sub Committee, the Licensing officer confirmed that, although the details of the vehicle had been updated by DVLA, the original registration of the vehicle as N1 panel van with the taxation class as light goods vehicle will remain in perpetuity.

The Sub Committee noted that due to the N1 classification, the vehicle is restricted to a speed limit of 60mph on dual carriageway and 50mph on other roads as appropriate.

The applicant addressed the Sub Committee and outlined the reasons for purchasing and converting the vehicle. The applicant advised that the conversion had been undertaken in line with the manufacturer's guidelines and by an approved vehicle conversion company and that all necessary documentation was correct.

The Sub Committee, the Legal Advisor, the Licensing Officer, the Licensing Manager and the applicant left the room to view the vehicle.

On their return, the applicant had nothing further to add to the application.

The Chair thanked the applicant for attending and advised that the Sub Committee's decision would be notified in writing within five working days.

40 **Exclusion of press and public**

RESOLVED:

That under Section 100(A) (4) of the Local Government Act 1972 the public, including the press, be excluded from the meeting as exempt information, of the description set out in the agenda, is likely to be disclosed and on balance the public interest is in discussing this item in private session (Part B).

41 **Private hire driver suitability**

The purpose of the item was to determine whether the person named in the Officer's report is a fit and proper person to be granted a private hire driver licence.

The Chair introduced the members of the Sub Committee and those in attendance.

The applicant was present at the meeting.

The Legal Advisor, Giles Salter, outlined the procedure to be followed.

The Licensing Officer, Emily Westlake, presented the report and advised the options available to the Sub Committee.

The applicant had no questions for the Licensing Officer.

The applicant addressed the Sub Committee and explained the background to the circumstances set out in the Officer's report.

The applicant answered questions from members of the Sub Committee.

The Chair advised the applicant that the Sub Committee would retire to make its decision which would be notified in writing within five working days.

The Chair thanked everyone present for attending the meeting.

Attendance List

Councillors present:

K Bloxham (Vice-Chair)

R Jefferies

J Whibley (Chair)

Councillors also present (for some or all the meeting)

T Dumper (reserve member)

P Faithfull

Officers in attendance:

Sarah Jenkins, Democratic Services Officer

Phillippa Norsworthy, Licensing Manager

Giles Salter, Solicitor

Emily Westlake, Licensing Officer

Louise Bennett, Licensing Support Officer

Rebecca Heal, Solicitor

Zoe Jones, Licensing Officer

Councillor apologies:

None

Chair

Date:

Report to: Licensing and Enforcement Sub Committee



Date of Meeting 6 March 2024

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 time limited 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 permit licensable activities at the Sidmouth Folk Festival event in Blackmore Gardens and Peacock Lawn, Blackmore Drive, Sidmouth EX10 8LA.

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 – Operating Schedule (conditions offered by applicant)

APPENDIX C – Premises Plan

APPENDIX D – Location Plan

APPENDIX E – Representations

APPENDIX F – Additional email correspondence

APPENDIX G – Copy of 2023 licence

APPENDIX H – Environmental Health information

APPENDIX I – Section 182 Guidance on Public Nuisance

APPENDIX J – Responses to Notice of Hearing

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 Sidmouth Folkweek Productions Ltd. Sidmouth Folk Week is an annual event, now in its 70th year. The event is held in various venues across the town of Sidmouth. Three premises licence applications have been submitted by Sidmouth Folkweek Productions Ltd to cover the locations at The Ham, Blackmore Gardens/Peacock Lawn and Betsy’s Knapp, Bulverton. This report relates to the application for the Blackmore Gardens and Peacock Lawn site only.
- 1.2 The application is provided at **APPENDIX A**.
- 1.3 This is a time limited premises licence application, covering the period Friday 2nd August 2024 to Friday 9th August 2024.
- 1.4 The proposed timings and licensable activities applied for are as follows, the times requested are the same for each event day:

Performance of live music (Indoors & Outdoors)

09:30 to 23:00

Playing of recorded music (Indoors & Outdoors)

09:30 to 23:00

Performance of dance (Indoors & Outdoors)

09:30 to 23:00

Entertainment of a similar description (Indoors & Outdoors)

09:30 to 23:00

Supply of alcohol for consumption ON the premises only

12:00 to 23:30

Premises Open Hours

09:30 to 23:45

- 1.5 Where activities are referred to as being 'indoors', please note this may apply to events held within a marquee or tent.
- 1.6 As part of the application the applicant must set out the steps they intend to take to promote the four licensing objectives:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm

These will form conditions on the licence, if or when the licence is granted. The applicant has set out these steps as an attachment to the application. The document is referred to by the applicant as 'licensing notes', attached at **APPENDIX B**.

- 1.7 The application seeks to licence Blackmore Gardens as a whole, the area being clearly defined by the wall enclosing the gardens. The proposed licensed area incorporates a marquee (folk music dance venue), a craft village and various food traders. Alcohol can be purchased from the bar within the marquee. Consumption of alcohol will be permitted within Blackmore Gardens only.
- 1.8 Additional activities will take place on Peacock Lawn, adjacent to Blackmore Gardens. This area is set aside for children's activities. There will be no sale or consumption of alcohol permitted within Peacock Lawn.
- 1.9 A premises plan is provided at **APPENDIX C**.
- 1.10 The premises plan (**APPENDIX C**) shows the location of the marquee, bar, craft fair, food traders and children's activities. The area outlined in red denotes the sale and consumption of alcohol area. The area outlined in blue denotes the area where regulated entertainment will take place.
- 1.11 A location plan is provided at **APPENDIX D**, showing the location of the Gardens within the town centre.

2 Statutory Bodies' Response

2.1 Devon & Cornwall Police

No representations. The following information has been received from the Police Licensing Officer:

In relation to all three Folk Week applications, The Ham, Betsy's Knapp and Blackmore Gardens, having read all the supporting documents I am satisfied that the applicant has adequately demonstrated how they will promote the licensing objectives, I note that the event is to be run in accordance with an agreed EMP (Event Management Plan), I will ensure that I am happy with the EMP prior to the event going ahead.

2.2 Devon & Somerset Fire & Rescue Service

No representations.

- 2.3 Area Child Protection Committee and Local Safeguarding Children Board
No representations.
- 2.4 Devon Trading Standards
No representations.
- 2.5 East Devon District Council, Environmental Health Service
The following information has been received from the Environmental Health Officer: I have considered the licence application and do not anticipate any environmental health concerns. (additional information regarding pre-application discussion provided at **APPENDIX H**)
- 2.6 East Devon District Council, Planning & Countryside Service
No representations. been received.
- 2.7 Primary Care Trust
No representations.
- 2.8 Home Office
No representations.

3 Representations and Responses to Notices of Hearing

- 3.1 Representations have been received from FOUR Sidmouth residents. Details of their representations are attached at **APPENDIX E**. One representation includes two sound recordings, these will be made available to the sub-committee during the hearing.
- 3.2 Further email correspondence has been received, in addition to the initial representations. Attached at **APPENDIX F**.
- 3.3 Representations received, along with subsequent email correspondence (**APPENDIX E & APPENDIX F**) suggest that this is the first year that Blackmore Gardens has been used in the evening for the Folk Week event. This is incorrect.
- 3.4 Representations received (**APPENDIX E**) also suggest that the hours for the sale of alcohol have been increased this year. This is incorrect.
- 3.5 Email correspondence received suggest there is a 'massive increase in hours' across both the Blackmore Gardens and Betsy's Knapp sites (**APPENDIX F**). This is incorrect.
- 3.6 To assist the sub-committee, a copy of the 2023 premises licence for the Folk Week event at Blackmore Gardens is attached, along with the premises plan at **APPENDIX G**.
- 3.7 The 2023 licence shows all licensable activities to cease at 23:00. This matched the proposed finish times on this current 2024 application.
- 3.8 The Sidmouth Folk Week application for Blackmore Gardens has been consistent in recent years (licensing database checked each year as far back as 2014), all regulated entertainment activities have been granted to finish at 23:00.
- 3.9 The sale of alcohol times granted over the same period have varied slightly, predominantly these have ceased at 23:00, except for 2019 & 2021 where the sale of alcohol was granted until 23:30.
- 3.10 Details of the responses to the statutory Notice of Hearing are attached at **APPENDIX J**.

4 Proposed Operating Schedule and Mediation

- 4.1 The conditions offered by the applicant in the operating schedule are attached at **APPENDIX B**.
- 4.2 The applicant has provided an extensive Event Management Plan, Noise Management Plan and Risk Assessment document. These documents were circulated to the Responsible Authorities along with the application and premises plan.
- 4.3 The applicant has entered into a pre-application discussion with the Environmental Health Officer (EHO). Information regarding these discussions and the resulting recommendations have been provided by the EHO, attached at **APPENDIX H**.
- 4.4 At the request of the applicant, an invitation was extended to all parties to attend a mediation meeting at Blackdown House. No party who raised an objection was able or willing to attend the proposed mediation meeting at the council offices. Two parties suggested that a site meeting in Blackmore Gardens would be more appropriate.
- 4.5 Any updates regarding the proposed mediation site meeting will be provided to the sub-committee at the hearing. Nothing further is available at the time of writing this report.

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.
- 5.4 Section 5.5.7 of the Policy states: For large scale events that are occasional in nature and where the maximum number of attendees exceeds 499 people, the licensing authority will require an application for a full time-limited premises licence. A separate application will be required for each individual event regardless of whether the event occurs annually or on more than one occasion in any year. This will allow the Responsible Authorities and members of the public the opportunity to consider each application in light of previous events held. Responsible Authorities and Interested Parties should have the opportunity to make representations relevant to the nature of the event which is planned. Large scale events have significant potential to undermine the promotion of the licensing objectives, due to their size, complexity and the potential implications for planning such events. Risks can be adequately mitigated by the submission of an up to date, relevant, detailed and complete operating schedule specific to the proposed event on each separate occasion.

Conditions

- 5.5 Section 6 of the policy sets out what the Sub Committee should consider before imposing conditions on a licence.
- 5.6 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

- 5.7 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.
- 5.8 Section 10.2 of the Policy states: There is no presumption within the Act for longer opening hours over objections from local residents and businesses located in the vicinity of licensed premises but the licensing authority will consider licensing hours in the interests of avoiding a concentration of disturbance while ensuring that nuisance is minimised to local residents. Shops and public houses will generally be permitted to sell alcohol during the hours they intend to open. Entertainment providers will be encouraged to provide and promote a range of entertainment during their operating hours including live music, dancing and theatre for the wider cultural benefit of the community. It will be a matter for individual applicants to address the licensing objectives in their operational schedule within the context of the nature of the location, type of premises, entertainment to be provided, operational procedures and the needs of the local community.
- 5.9 Section 10.3 of the Policy states: In considering relevant representations, the licensing authority will consider the adequacy of measures proposed to deal with the potential for nuisance and/or public disorder having regard to all the circumstances of the case.
- 5.10 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

- 5.11 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.

6 Guidance issued under Section 182 Licensing Act 2003 (revised December 2023)

6.1 Public Nuisance

Section 2.21 – Section 2.27 of the Guidance refers to Public Nuisance in detail. This guidance is provided in full at **APPENDIX I**.

Representations

- 6.2 Section 9.4 of the Guidance states: A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.
- 6.3 Section 9.9 of the Guidance states: It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.

The Role of Responsible Authorities

- 6.4 Section 9.12 of the Guidance states: Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority’s main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should usually therefore be the licensing authority’s main source of advice on matters relating to the promotion of the crime and disorder licensing objective.

Imposing conditions

- 6.5 Section 10.8 of the Guidance states: The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.
- 6.6 Section 10.9 of the Guidance states: It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.

6.7 Proportionality

Section 10.10 of the Guidance states: The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided.

6.8 Hours of Trading

Section 10.13 of the Guidance states: The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.

6.9 Section 10.14 of the Guidance states: Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.

The need for licensed premises

6.10 Section 14.19 of the Guidance states: There can be confusion about the difference between the “need” for premises and the “cumulative impact” of premises on the licensing objectives, for example, on crime and disorder. “Need” concerns the commercial demand for another pub or restaurant or hotel and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.

7. Observations

- 7.1 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’.
- 7.2 Although a number of the outstanding objectors are unable to attend the hearing, their original written representations will have to be considered by the committee (**APPENDIX E**).
- 7.3 Duncan Moss is nominated as the Designated Premises Supervisor. Mr Moss holds a Personal Licence, issued by Teignbridge District Council.
- 7.4 The Sub Committee will now need to consider whether to grant this application as it stands or in the light of the representations 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.
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.

(b) 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 19

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	Not Currently In Use	This is the unique reference for this application generated by the system.
Your reference	Sidmouth Folk Festival Blackmore Gardens/ Peacock Lawn 2024	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?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name	Jason
* Family name	Knight
* E-mail	[REDACTED]
Main telephone number	[REDACTED]
Other telephone number	

Include country code.

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

* Is the applicant's business registered in the UK with Companies House? Yes No

* Registration number	05610997
* Business name	Sidmouth FolkWeek Productions Ltd
* VAT number	- 878453277
* Legal status	Private Limited Company

If the applicant's business is registered, use its registered name.

Put "none" if the applicant is not registered for VAT.

Continued from previous page...

* Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

An agent that is a business or organisation, including a sole trader

A sole trader is a business owned by one person without any special legal structure.

A private individual acting as an agent

Agent Business

* Is your business registered in the UK with Companies House? Yes No

* Registration number

* Business name

If your business is registered, use its registered name.

* VAT number

Put "none" if you are not registered for VAT.

* Legal status

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Agent 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 19

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

Address Description

Blackmore Coronation Gardens, Blackmore Drive, Sidmouth, Devon. Including the Peacock Lawn element. Regulated Entertainment only for Peacock lawn as shown on plans.

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 19

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company
- A partnership
- An unincorporated association
- 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
- Other (for example a statutory corporation)

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 19

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...

Private Limited Company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

Section 5 of 19

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
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.

The whole gardens enclosed by the permanent wall/fence is to be included within the Premises License. This includes the temporary structures/marquees, open grass areas etc,

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

Continued from previous page...

Section 6 of 19

PROVISION OF PLAYS

Will you be providing plays?

- Yes No

Section 7 of 19

PROVISION OF FILMS

Will you be providing films?

- Yes No

Section 8 of 19

PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

- Yes No

Section 9 of 19

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 19

PROVISION OF LIVE MUSIC

Will you be providing live 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

Continued from previous page...

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.

See previous notes

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.

n/a

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.

n/a

Section 11 of 19

PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

Yes No

Standard Days And Timings

Continued from previous page...

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 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.

See previous notes

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.

n/a

Continued from previous page...

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.

n/a

Section 12 of 19

PROVISION OF PERFORMANCES OF DANCE

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

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WEDNESDAY

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THURSDAY

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End

Start

End

FRIDAY

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SATURDAY

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Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

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.

see previous notes

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.

n/a

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.

n/a

Section 13 of 19

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

Will you be providing anything similar to live music, recorded music or 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

WEDNESDAY

Start

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End

Continued from previous page...

THURSDAY

Start End

Start End

FRIDAY

Start End

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SATURDAY

Start End

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SUNDAY

Start End

Start End

Give a description of the type of entertainment that will be provided

Any folk related entertainment which might not fit under the other headings eg puppetry, street theatre

Will this entertainment 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.

see previous notes

State any seasonal variations for entertainment

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

n/a

Non-standard timings. Where the premises will be used for entertainment 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.

n/a

Continued from previous page...

Section 14 of 19

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

Section 15 of 19

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

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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Start

End

Continued from previous page...

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.

n/a

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.

n/a

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

Name

First name

Family name

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

Continued from previous page...

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 19

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.

n/a

Section 17 of 19

HOURS PREMISES ARE OPEN TO THE PUBLIC

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

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Start

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THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

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

n/a

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.

n/a

Section 18 of 19

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)

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

See separate document

b) The prevention of crime and disorder

See separate document

c) Public safety

See separate document

Continued from previous page...

d) The prevention of public nuisance

See separate document

e) The protection of children from harm

See separate document

Section 19 of 19

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 (£)

100.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application.

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

Continued from previous page...

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)

Add another signatory

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

1. Save this form to your computer by clicking to 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 ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION



Licensing Notes For: **Blackmore Gardens – Dance Venue**
Peacock Lawn – Children’s Festival (Regulated entertainment only)
(Sidmouth Folk Festival 2024)

Location: **Blackmore Drive, Sidmouth, Devon**

Name of Applicant: **Sidmouth FolkWeek Productions Ltd**

1. The Licence Holder must ensure that the Venue Manager receives all Health and Safety Data relevant to the premises, prior to the premises being open to the public.
2. The Licence Holder must ensure that radio contact between festival stewards and SIA Security staff is maintained during the hours that the premises are open to the public.
3. The Licence Holder must ensure that all festival stewards receive training in safety routines prior to premises being opened to the public.
4. The Licence Holder must ensure that trained stewards are on duty at all times that the premises are open to the public.
5. The Licence Holder must fully comply throughout the duration of the licence with the festival safety and other policies as submitted to the Licensing Authority with the application for the grant of the Premises Licence.
6. The Licence Holder must ensure that All security stewards are correctly registered with the Security Industry Authority.
7. All stewards when on duty will be clearly identified with high-vis vests. SIA trained stewards will wear orange vests, SFWP stewards will wear yellow. When going off duty stewards will remove any identifying clothing.
8. Stewards will not consume, or be under the influence, of alcohol or controlled substances whilst on duty.
9. SIA stewarding levels will be commensurate with the determined risk levels for the venue concerned based on evidence from 2019 in regard to public disorder. Exact numbers of SIA and SFWP stewarding staff to be defined and documented through consultative process with relevant authorities not later than 60 days prior to event commencement. To this end the Licence holders would wish to convene a "Safety Advisory Group" meeting with relevant authorities to explain our actions and take advice where necessary.
10. Alcohol sales (Blackmore Gardens) will cease 15 min before the close of the venue. (2330hrs)
11. No beverages, either alcoholic or non-alcoholic, should be sold in bottles. All bottled beverages are to be poured into glasses at the point of sale. All glasses will be plastic or toughened glass.
12. The License holder will ensure that children under 12 will either be accompanied by a responsible adult or signed in as appropriate to designated workshops and events.

13. The Licence Holder must ensure that alcohol is not purchased or consumed by under-age persons.
14. The Licence Holder must ensure that all vulnerable areas are fenced off with security fencing.
15. The Licence Holder must ensure that adequate lighting is provided throughout the premises during the hours that the premises are open to the public.
16. The Licence Holder must, throughout the duration of the licence, have regular contact with the Licensing Authority and the Devon and Cornwall Constabulary.
17. The Licence Holder must ensure the public are informed of emergency procedures prior to the commencement of all concerts and events.
18. The Licence Holder must ensure that the fire safety measures within which the premises are provided are maintained in good working order, and their adequacy must be determined on a regular basis, by the carrying out of a fire risk assessment as required by, and in accordance with the Regulatory Reform (Fire Safety) Order 2005.
19. The Licence Holder must ensure that an appropriate method for checking the number of people entering and leaving the premises is employed and steps will be taken so that, once the maximum occupancy is reached, no further persons are admitted.
20. The Licence Holder must ensure that all equipment is checked and appropriate safety certificates obtained.
21. The Licence Holder must ensure that noise levels are monitored and adjusted to comply with the levels as determined in consultation with the Environmental Health Officer responsible for the event.
22. The extent of the areas within which the various licensable activities will be permitted is as shown outlined in RED and as indicated by the legends on the plans submitted to and approved by the Licensing Authority. BLUE indicated Regulated Entertainment aspect of License.
23. A "Challenge 25" policy will be in operation throughout the event.



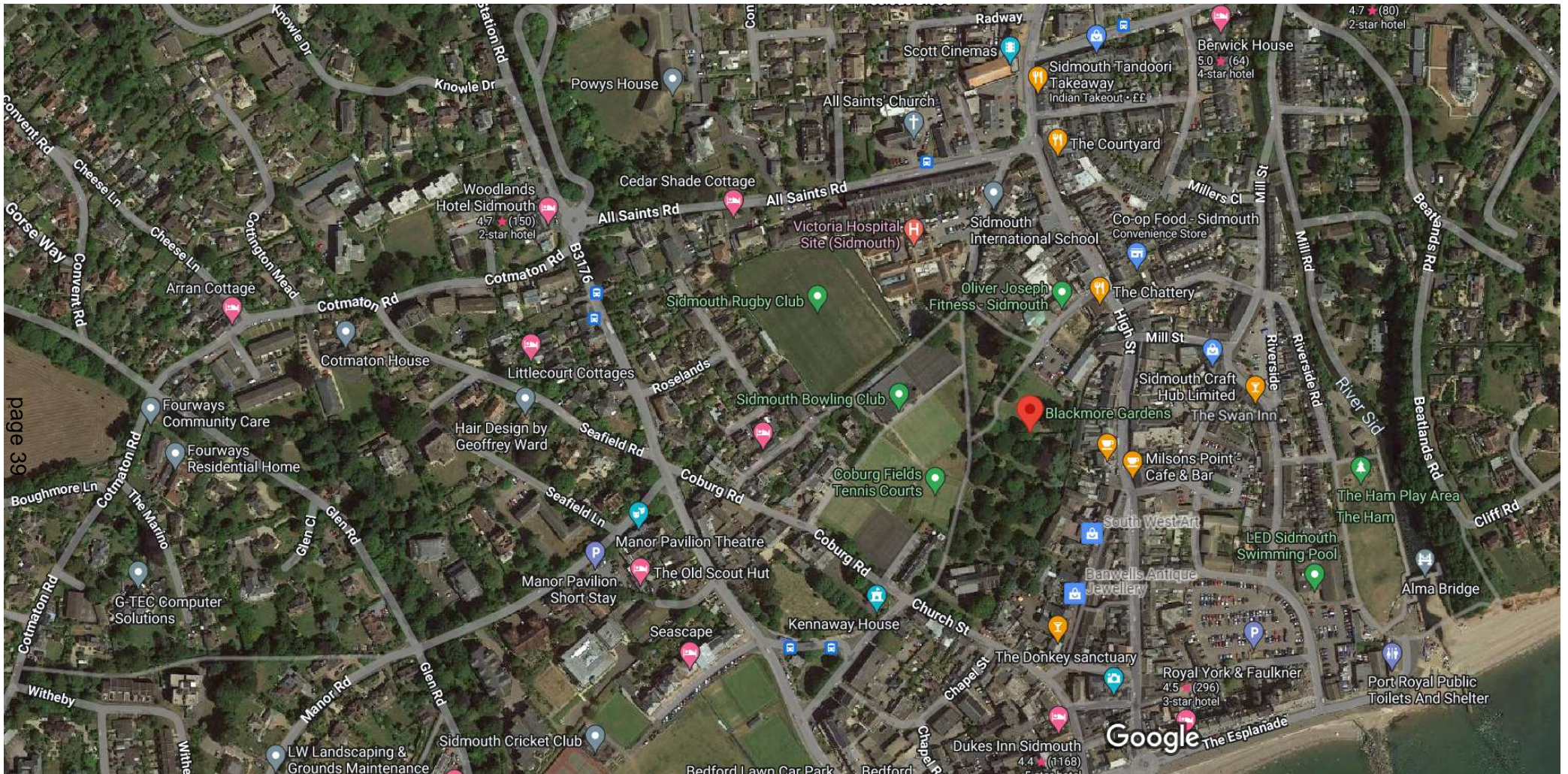
- Euromat
- Craft fair 3 x 3
- Catering 3 x 3
- 2 x Benches
- STD Toilet
- Festoon
- Heras Fence
- Med Duty track
- 4m Star Shade
- Fire Point
- Premises License - Regulated Entertainment within the blue line area
- Premises License - Sale by retail & consumption of alcohol within red line area

NOTE NORTHING ORIENTATION TO ALLOW FOR LARGER SCALE ON A3/A4

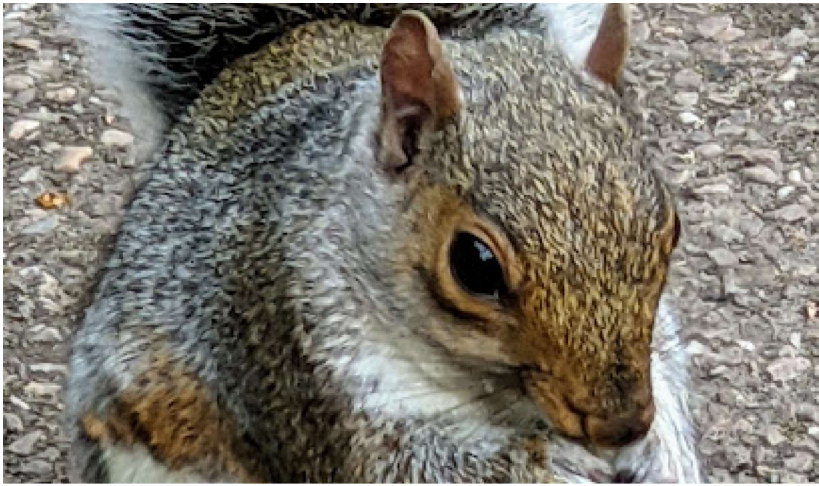


DRAWING STATUS	FOR APPROVAL		DRAWN	G.PHILLIPS	ORIGINATOR	J.RADFORD	SHEET SIZE	A3
CLIENT / PROJECT / LOCATION	BLACKMORE GARDENS SITE PLAN		CREATION DATE	03.01.2024	SCALE	1:500	REVISION	R01





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Blackmore Gardens

4.6 ★★★★★ (174) ⓘ

Park and Garden

page 40

Overview

Reviews

About



Directions



Save



Nearby



Send to
phone



Share

✓ Dogs allowed



Blackmore Dr, Sidmouth EX10 8LQ



Open 24 hours

Updated by others 8 weeks ago



MQJ6+5J Sidmouth



Send to your phone



Claim this business



Suggest an edit

Add missing information

Updates from customers



2 years ago

page 41

Popular times Thursdays

6a

9a

12p

3p

6p

9p

12a

3a


Photos and videos

All

Latest
22 days ago

Videos

St
36

 Add media

Questions and answers

How much to get in thank you

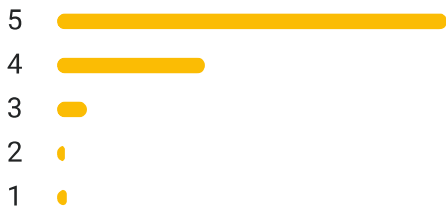
Free to the public

a year ago

Ask the community


page 42

Review summary



4.6


174 reviews

Reviews aren't verified 

"Great **music** and dancing **beer festival** and children's **area** loved it."

"Interesting and well kept graveyard great **location** for all the **family** to explore"

"Excellent value for **money**, the **food** is lush"

 Write a review

Reviews



 Sort

All

squirrels 7

picnic 6

festival 5

kids 4

area 3

plants 3



Valerie Hinchliffe
917 reviews · 4,067 photos



★★★★★ 5 months ago

Discovered these pretty and well-kept little gardens while exploring Sidmouth. They are close to the parish church, more accessible than nearby Connaught Gardens, with level tarmac paths and no steps. Plenty of benches. The gardens were ... [More](#)

+2

Like

Share



DriftwoodFish

Local Guide · 17 reviews · 105 photos




3 weeks ago

NEW

I don't think we've ever visited these gardens without seeing a squirrel! Very nice, well maintained gardens. I particularly like the little corner garden with the lamppost.

 Like

 Share



Lucy Blunden Botanicals
Local Guide · 167 reviews · 117 photos



★★★★★ 5 months ago

Part of Sidmouth Folk Festival for us... Great area with lots to see and do. Well organised



Like



Share

[More reviews \(171\)](#)

People also search for



Connaught Gardens
4.7 (271)
Park and Garden



The Byes
4.8 (757)
Park and Garden



National
4.7 ()
Nature

REPRESENTATIONS LIST

APPENDIX E

Application No: 057137

Application Date: 12 January 2024

Licence Type: Premises Licence WITH Alcohol

Licence No: N/A

Application Type: New Application

Premises: Blackmore Coronation Gardens & Peacock Lawn
Blackmore Drive, SIDMOUTH, Devon, EX10 8LA.

Applicant: Sidmouth FolkWeek Productions Limited
3 Church Street, Aylesbury, HP20 2QP.

Person making Representation: James Walker

Representation Accepted: Representation has been accepted

Reason: Public Nuisance

Details:

Attachments available until 2 Mar 2024
Good Evening Ladies and Gentlemen,

I note that the organisers of the 2024 Sidmouth Folk Festival (SFF) are applying for a licence for 15hrs of music (0930 to 2345hrs) and nearly 12hrs of drinking (1200 to 2330hrs) in Blackmore Gardens (BG) each day and each evening for 8 days (2nd - 9th August). This will make 13 days and nights i.e. 170hrs, of concerts in BG in 2024 - is this reasonable?

This is extremely undesirable. Why do residents have to endure 120hrs of music? Further, each night's clear-up would mean that noise and light pollution would inevitably go on after midnight. One also feels that 12hrs of drinking time, with alcohol served late into the night, raises the risk of anti-social and/or criminal behaviour occurring in my neighbourhood.

Thus, as someone who resides close to BG - most definitely within earshot of amplified music, and also on a principal ingress/egress route, I wish to object to this licence application in strong terms.

Further, I have three other questions to ask:

- Am I correct in stating that - if this application is approved - 2024 will be the first time that BG has been used in the evenings for SFF?
- With events centring on the Ham, and with live music in many local hostelrys and venues, why is BG being added?
- Is BG being used for concerts of folk music, or just as an additional beer garden with recorded music broadcast to accompany drinkers?
- What are the decibel limits to the music that is planned there? Last year's Jazz & Blues Festival in BG was far too loud - for too many days - and, over 5 days, unequivocally caused a 'noise nuisance'. [As evidence, I attach two sound-files of the 2023 JBF recorded from my property - I did send them to Councillor Whibley last June, asking him if he would tolerate this din in his back-yard for 5 days, but, regrettably, I received no acknowledgement/reply. What about you Mr. Saunders, Ms. Barber - how would you feel if your bank holiday was disturbed in such a manner for 10hrs per day for 5-8 days?].

Click to Download
IMG_9347.MOV
81.8 MB

Click to Download
IMG_9349.MOV
97.4 MB

- So, does the SFF applicant propose similar noise levels in BG in August? One hopes not. Does EDDC believe that enduring 13 days/nights of such noise is reasonable for those who live near BG? What can EDDC do to ensure that there will be no re-occurrence of the 'noise nuisance'? Is EDDC Licensing liaising with EDDC Environmental Health?

As you know, there are two legal aspects to consider:

- 'Night Noise' becomes a formal issue from 2300hrs to 0700hrs i.e. residents have a legal right to be completely undisturbed during these times. Why does the organiser believe it is reasonable to make an application that extends beyond 2300hrs? Do you not agree that this unequivocally establishes a complete lack of bona fides.
- 'Noise Nuisance' - the prevention/avoidance of which is an objective of the Licensing Act 2003 - may be caused at ANY time, particularly over an extended period of 8 days/night. EDDC is statutorily obliged to ensure that SFF organisers are applying for licence to 'party' until nearly midnight every night

Application No: 057137

Premises: Blackmore Coronation Gardens & Peacock Lawn
Blackmore Drive, SIDMOUTH, Devon, EX10 8LA.

for eight days (and this does not include what could be noise created by 30-60 minutes of clear-up time, and does not include light pollution).

There are other grounds for reservation:

- It seems that every year - without consultation - we are told that we must tolerate disturbance over an increasing number of days/evenings - Folk Week = 8 days/nights and JBF = 5 days/nights = 13 days/nights in total]. Where is the limit? Where is their respect for local residents' rights?

- In addition to noise, with the amount of food waste created over so many days, our neighbourhood is also exposed to the risk of infestation by vermin (rats), foxes and seagulls. What steps are being taken to prevent this?

All in all, I think that both applied for times are at least 60-mins too long, and definitely impinge upon residents' right to reasonable peace and quiet. In the very least, I would wish to see:

- Live or recorded music ended by 2200hrs.....with noise levels curbed well below what occurred at last year's JBF
- Alcohol sales in Blackmore Gardens complete by 2200hrs
- Blackmore Garden vacated by 2230hrs latest
- Clear-up be complete by 2300hrs.

The traditional Sidmouth Folk Festival is an institution, it was here before all of us, so I have no desire to 'get it cancelled'. However, attempts to lengthen its days and hours of operation - including this new use of BG as an evening site - are neither traditional nor reasonable. Both the organisers and EDDC must respect residents.

Sincerely,

James Walker



Evidence:

Suggestion:

Application No: 057137

Premises: Blackmore Coronation Gardens & Peacock Lawn
Blackmore Drive, SIDMOUTH, Devon, EX10 8LA.

Person making Representation: Graham Wardle

Representation Accepted: Representation has been accepted

Reason: Public Nuisance

Details:

Dear Sirs,
I am making this representation as a local Resident.
My name and address is :
Graham Wardle

Licensing Application 057137

Activities E,F, G & H

Two Points:

These activities will be taking place in a residential area neighbouring our cottage hospital. This is would be acceptable providing the "Folk Music " is not being artificially amplified to gain popular appeal. To allow local residents some peace the gardens should be closed and cleared by 2300, after which, by law there should be no noise. To achieve this it is essential that all public entertainment is wound up by 2200

Activity J

Alcohol sales here are competing with our local hosteleries and should not enjoy an advantage of extended hours. Sales should not be allowed beyond the end of the entertainment i.e. in my opinion 2200. Attracting further people into the gardens after leaving the pubs is patently absurd. (I also have concerns about many more people finding a safe and legal way to get home)

The Folk Week, although not universally popular with local residents, has been accepted and tolerated or even enjoyed for many years! Please don't spoil it by stretching the limits of local people's good nature.

Yours faithfully,
Graham Wardle

Evidence:

Suggestion:

Person making Representation: Garland Pickard

Representation Accepted: Representation has been accepted

Reason: Public Nuisance

Details:

Dear Lesley Barbour, Please take this as a Formal Objection to the Application of the Folk Festival for yet more extensions to both the sale of alcohol and operating hours. Blackmore Gardens: This application must be refused as the hours are an insult to those living in the whole area around the Gardens and far further. I fail to understand why any License in this area was granted to start with as it is within a stones throw of the local Hospital where the old and critically ill are in occupation and I would have thought that the Applicants would have thought about these people before applying, and this is without the local residents. I live [redacted] and the volume of noise from these gardens during the Jazz Festival and the Folk Festival is horrendous for us as well, indeed last year the noise was so bad that I started to go to the Swan Inn to tell the Landlord to turn his music down but it was only when I was nearly at the door that I realised that the noise was coming from the Blackmore Gardens. The scale of this noise is not necessary and certainly not for even the smallest extension and the application must not be granted.

Evidence:

Suggestion:

Application No: 057137

Premises: Blackmore Coronation Gardens & Peacock Lawn
Blackmore Drive, SIDMOUTH, Devon, EX10 8LA.

Person making Representation: Stephen Pemberton

Representation Accepted: Representation has been accepted

Reason: Public Nuisance

Details: To: EDDC Licensing
February 8th 2024

OBJECTION
to Ref 057137
Sidmouth Folk Week Blackmore Gardens and Peacock Lawn

I OBJECT to the completely unacceptable and unreasonable Application by the Sidmouth Folk Week 2024 for the late use of Blackmore Gardens.

This includes the length of Music and Drinking times.

Music until 23.00 hours and closing at 23.45 hours is beyond acceptable.

This is yet further evidence of Sidmouth Folk Week, supported by EDDC and Sidmouth Town Council exceeding reasonable consideration of local residents and visitors.

This is in the middle of a residential area where the Sidmouth Fo k Week, EDDC and STC have respons bility for upholding the Rights of local residents and visitors to reasonable peace and quiet, and lack of nuisance, and are failing to do so.

Late night use of all such areas should cease by 9.30pm.

Volume levels during day time also, should be set at a level agreed by local residents, not prescribed by the Local Authority without Consultation.

There are many levels of Objection in relation to this, that the Fo k Week, EDDC and STC are aware, which they need to uphold, where they are failing to support the Rights of Sidmouth residents and visitors.

All such large Events taking place after 9.30pm should be moved out of Town.

The continued support of the dismissal of resident consideration by EDDC Departments and STC do nothing to engender Community cohesion.

I OBJECT to this Application.

Yours,
Stephen Pemberton,



Evidence:

Suggestion:

WALKER

From: Licensing EDDC
Sent: Wednesday, February 7, 2024 4:14 PM
To: James Walker [REDACTED]
Subject: Premises Licence Application - Sidmouth Folk Week, Blackmore Gardens & Peacock Lawn

APPENDIX F

On 7 Feb 2024, at 16:13, Licensing EDDC <licensing@eastdevon.gov.uk> wrote:

Dear Mr Walker

**Premises Licence Application - Sidmouth Folk Week, Blackmore Gardens & Peacock Lawn
Representation**

Thank you for your email. I have accepted your email as a formal representation against the premises licence application.

This matter will now proceed to a hearing before the Licensing Sub-Committee. Formal Notice of Hearing documents will be sent to you early next week which will contain the hearing details and will ask you to provide any additional information, in support of your representation. The notice will also invite you to confirm if you will attend the hearing to address the sub-committee.

It may assist if I offer clarification on one point you have raised. This is not the first time Blackmore Gardens has been used for Folk Week licensable activities in the evening. This occurs each year and has done for many years.

I note you have attached two sound files within your representation. Unfortunately, I am unable to access these. They appear to link to a web page which is blocked by our EDDC IT security systems. If you are able to provide these in another format, we may be able to assess these.

Should you have any questions regarding the Licensing Act process in relation to the hearing please do contact me.

Regards

Lesley Barber

Additional Representation Correspondence

Licensing Officer

**Licensing
East Devon District Council**

lesley.barber@eastdevon.gov.uk

01404 515616

<image001.png>

www.eastdevon.gov.uk

Blackdown House, Border Road,
Heathpark Industrial Estate,
Honiton. EX14 1EJ

<image002.png>

page
38

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[Email disclaimer](#)

<0.jpg>

From: James Walker [REDACTED]
Sent: Friday, February 9, 2024 11:58 AM
To: Licensing EDDC <licensing@eastdevon.gov.uk>
Subject: Re: Premises Licence Application - Sidmouth Folk Week, Blackmore Gardens & Peacock Lawn

Attachments available until 10 Mar 2024

Good Morning Ms. Barber,

Additional Representation Correspondence

Thank-you for your e-mail, I look forward to receiving the notice.

The e-mail to Mr. Saunders has bounced-back. Has he retired? If so, would you kindly advise who has replaced him?

I believe that this proposal is indeed the first time that the Folk Festival has sought to utilise Blackmore Gardens as a beer garden until very late in the evening.

Regrettably, you have not answered my other questions.

The two sound files should not link to a web-page, as they came directly from my phone. I will attach them again.

Sincerely,

James Walker

to
page 4
[Click to Download](#)
[Click to Download](#)

IMG_9347.MOV
81.8 MB

IMG_9349.MOV
97.4 MB

From: Licensing EDDC
Sent: Friday, February 9, 2024 1:27 PM
To: James Walker [REDACTED]
Subject: RE: Premises Licence Application - Sidmouth Folk Week, Blackmore Gardens & Peacock Lawn

Dear Mr Walker

Thank you for your further email. I am still unable to open the attachments, I will contact our IT department to see if they are able to assist but at the current time, I have not viewed them.

Steve Saunders has now left his role as Licensing Manager, his replacement is Phillippa Norsworthy.

Additional Representation Correspondence

In terms of the questions you have raised in your representation, these will be a matter for discussion at the hearing.

Regards
Lesley Barber

WARDLE

From: Licensing EDDC
Sent: 07 February 2024 16:19
To: Graham Wardle
Subject: Premises Licence Application - Sidmouth Folk Week, Blackmore Gardens & Peacock Lawn

Dear Mr Wardle

**Premises Licence Application - Sidmouth Folk Week, Blackmore Gardens & Peacock Lawn
Representation**

Thank you for your email. I have accepted your email as a formal representation against the premises licence application.

This matter will now proceed to a hearing before the Licensing Sub-Committee. Formal Notice of Hearing documents will be sent to you early next week which will contain the hearing details and will ask you to provide any additional information, in support of your representation. The notice will also invite you to confirm if you will attend the hearing to address the sub-committee.

Should you have any questions regarding the Licensing Act process in relation to the hearing please do contact me.

Regards

Lesley Barber
Licensing Officer

Licensing
East Devon District Council

lesley.barber@eastdevon.gov.uk

01404 515616



PICKARD

From: Licensing EDDC

Sent: Wednesday, February 7, 2024 4:33 PM

To: Garland Pickard [REDACTED]

Subject: Premises Licence Applications, Sidmouth Folk Week - Blackmore Gardens & Peacock Lawn and Betsy's Knapp

Dear Mr Pickard

Premises Licence Applications

Sidmouth Folk Week - Blackmore Gardens & Peacock Lawn and Betsy's Knapp

Representation

Thank you for your email. I have accepted your email as a formal representation against these two premises licence applications.

This matter will now proceed to a hearing before the Licensing Sub-Committee. Formal Notice of Hearing documents will be sent to you early next week which will contain the hearing details and will ask you to provide any additional information, in support of your representations. The notice will also invite you to confirm if you will attend the hearing to address the sub-committee.

It may assist if I offer clarification in relation to something you have raised in your representation. There is no existing licence in place for either of these locations. Sidmouth Folk Week Productions Ltd must submit a fresh application each year if they wish to provide licensable activities and that is what they have done. The fact that an application has been made does not automatically mean that this is to extend the hours over and beyond what has existed previously.

Should you have any questions regarding the Licensing Act process in relation to the hearing please do contact me.

Regards

Lesley Barber

Licensing Officer

Licensing

page 57

Additional Representation Correspondence

East Devon District Council

lesley.barber@eastdevon.gov.uk

01404 515616



www.eastdevon.gov.uk

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Heathpark Industrial Estate,
Honiton. EX14 1EJ

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page 58

From: Garland Pickard [REDACTED]
Sent: Thursday, February 8, 2024 2:53 PM
To: Licensing EDDC licensing@eastdevon.gov.uk
Subject: Folk Festival applications

Dear Lesley Barber, Many thanks for your email the contents of which I note, especially my misinterpretation regarding previous applications as I presumed that once an application was made then the Applicant had to apply for further additional hours and not for a full application. I believe that the massive increase of hours now asked for, both for music, refreshments and the sale of alcohol is out of all proportion for both sites. I consider that the Blackmore site should have a finishing time of 9 pm due not only to residents, but even more importantly due to the nearness of the Hospital as at their closeness even triple glazing would not keep out the noise.

As far as the Betsy's Knapp application for roughly 20 hours of music and entertainment per day, together with the sale of food and alcohol for a large part of this is completely unacceptable.

Once again, many thanks. Regards, Garland Pickard.

Additional Representation Correspondence

From: Licensing EDDC

Sent: Thursday, February 8, 2024 3:10 PM

To: Garland Pickard [REDACTED]

Subject: RE: Folk Festival applications

Dear Mr Pickard

Your additional comments are noted and will be included within the report to the sub-committee. However, may I clarify that there is no 'massive increase of hours', in fact there is no increase of hours at all for any of the licensable activities, across either of the sites, compared to the 2023 event.

Regards

Lesley Barber

Licensing Officer

PEMBERTON

From: Licensing EDDC
Sent: 08 February 2024 10:30
To: steve [REDACTED]
Subject: Premises Licence Application - Sidmouth Folk Week, Blackmore Gardens & Peacock Lawn

Dear Mr Pemberton

Premises Licence Application - Sidmouth Folk Week, Blackmore Gardens & Peacock Lawn Representation

Thank you for your email. I have accepted your email as a formal representation against the premises licence application.

This matter will now proceed to a hearing before the Licensing Sub-Committee. Formal Notice of Hearing documents will be sent to you early next week which will contain the hearing details and will ask you to provide any additional information, in support of your representation. The notice will also invite you to confirm if you will attend the hearing to address the sub-committee.

Should you have any questions regarding the Licensing Act process in relation to the hearing please do contact me.

Regards

Lesley Barber
Licensing Officer

Licensing
East Devon District Council

lesley.barber@eastdevon.gov.uk

01404 515616





Licensing Act 2003

Premises Licence Summary

PLWA0968

East Devon District Council has granted this Premises Licence in accordance with the Licensing Act 2003. The licence authorises the identified premises to accommodate the licensable activities set out in the document and the plan deposited with and approved by the Licensing Authority. Where the sale of alcohol is authorised as a licensable activity the licence identifies the Designated Premises Supervisor.

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Blackmore Coronation Gardens & Peacock Lawn

Blackmore Drive, SIDMOUTH, Devon, EX10 8LA.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Commences **04/08/23**

expires **11/08/23**

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

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

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors & Outdoors)	Monday to Sunday	9:00am	11:00pm
F. Playing of recorded music (Indoors & Outdoors)	Monday to Sunday	9:00am	11:00pm
G. Performance of dance (Indoors & Outdoors)	Monday to Sunday	9:00am	11:00pm
H. Entertainment of a similar description to that falling within E, F, or G (Indoors & Outdoors)	Monday to Sunday	9:00am	11:00pm
J. Supply of alcohol for consumption ON the premises only	Monday to Sunday	11:00am	11:00pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	9:00am	11:30pm



Licensing Act 2003

Premises Licence Summary

PLWA0968

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON the premises only

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Sidmouth FolkWeek Productions Limited

3 Church Street, Aylesbury, HP20 2QP.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Sidmouth FolkWeek Productions Limited

05610997

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Duncan MOSS

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Not applicable



Melanie Wellman
Director of Governance and Licensing



East Devon Licensing Authority
Approved Plan

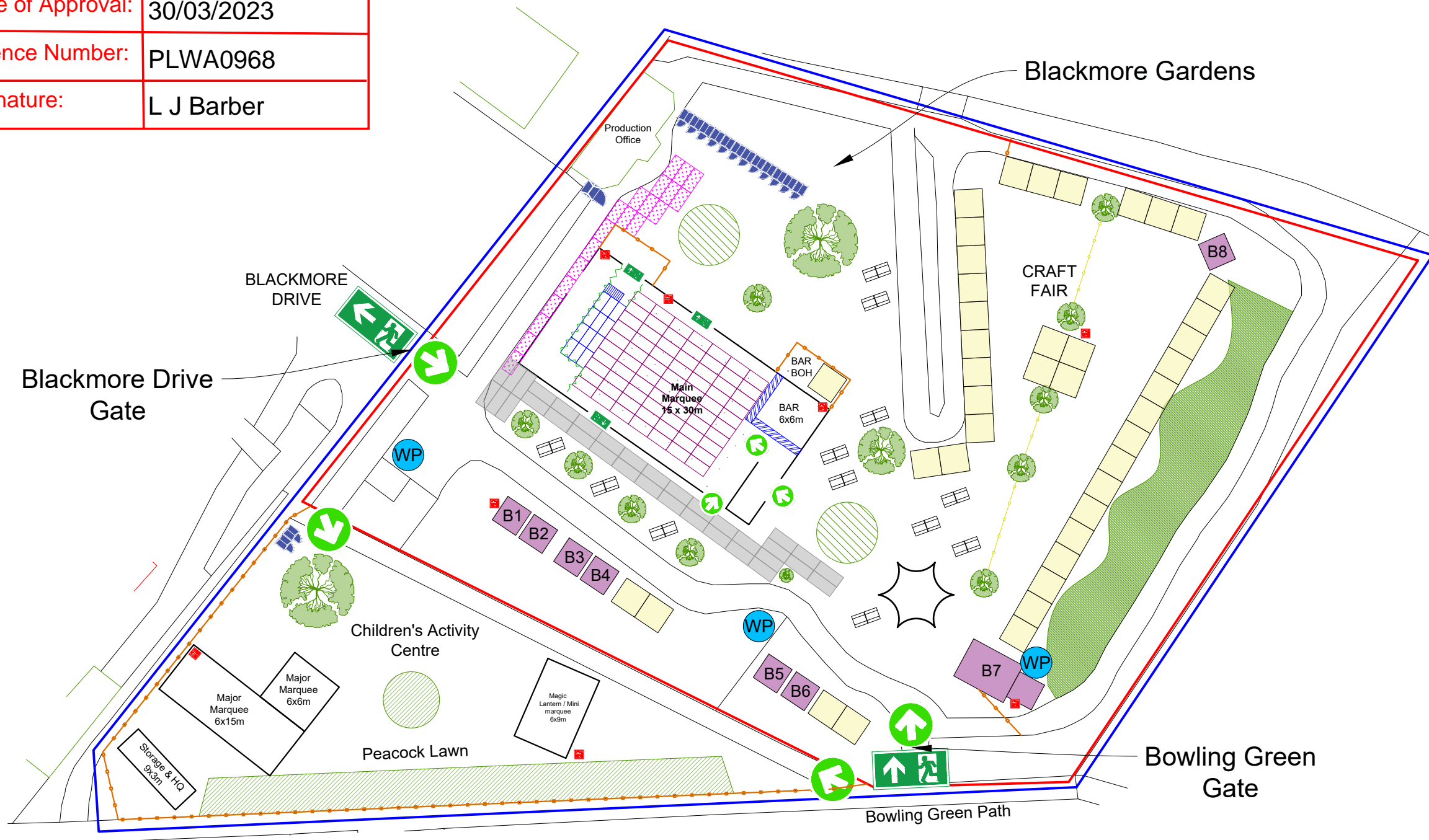
Date of Approval:	30/03/2023
Licence Number:	PLWA0968
Signature:	L J Barber



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DRAWING STATUS

FOR PUBLIC ISSUE



- Euromat
- Craft fair 3 x 3
- Catering 3 x 3
- 2 x Benches
- STD Toilet
- Festoon
- Heras Fence
- Med Duty track
- 4m Star Shade
- Fire Point
- Premises License - Regulated Entertainment within the blue line area
- Premises License - Sale by retail & consumption of alcohol within red line area

CLIENT

SIDMOUTH FOLK FESTIVAL

PROJECT

SFF 2023

TITLE

BLACKMORE GARDEN
SITE PLAN v5

DATE

23/02/23

SCALE

1:500 @ A3

DRAWN BY

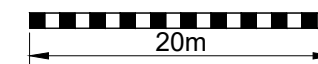
ECL

DRAWING NO.

SFF23_BLM005.E

REV

E



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Prior to the submission of any licensing application for the Folk Festival, EDDC's Environmental Protection's EHO was involved in pre-application discussions with the event organiser. During this pre-application review the events noise management plan was evaluated. During the review process any past noise complaints/concerns was taken into consideration together with any past pro-active noise monitoring.

The noise management plan has been very well written offering excellent local liaison, with clear communications for members of the public. Following the review process a number of small recommendations were made to the suggested music noise levels. These included the following:

- Between the hours of 07:00 and 23:00 the A-weighted equivalent continuous music noise level (MNL) emanating from the premises, when measured or determined at the boundary of any noise sensitive property over any 15-minute period must not exceed 70 dB (LAeq15min).
- Between the hours of 23:00 and 07:00 the A-weighted equivalent continuous music noise level (MNL) emanating from the premises, when measured or determined at the boundary of any noise sensitive property over any 5-minute period must not exceed 50 dB (LAeq 5min).
- Should any low frequency noise complaints be received steps will be taken to reduce the low frequency content of the music noise level particularly at 63 and 80 Hz. Decibel levels shall be recorded once any sound engineers adjustments have been made.

The recommendations made encompass the Bulverton site with its later finish (post 23:00) which, previously was under regulated. The aim of these measures are to ensure that there is adequate protection for local residents in terms of the music noise levels from all of the event locations.

Once these recommendations were agreed and written into the event noise management plan, Environmental Health were satisfied that the noise management plan was robust and offered a high degree of protection to local residents from any excessive music noise.

Taking all of the above points into consideration, when the Licensing applications were submitted for the Sidmouth Folk Festival 2024, the EHO had no Environmental Health concerns in relation to the operation and management of the events.

**REVISED GUIDANCE ISSUED UNDER SECTION 182 OF THE LICENSING ACT 2003
DECEMBER 2023****Public Nuisance**

2.21 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.22 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.23 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.24 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.25 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

2.26 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

2.27 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

Sidmouth Folk Week 2024 – Blackmore Gardens
Responses to Notice of Hearing

Applicant

Sidmouth Folkweek Productions Ltd	
Hearing Unnecessary	-
Attending	Yes, applicant's agent John Radford, JR Event Services Ltd
Supporting documents	-
Summary of key points	-

Other Persons

1.	Mr Stephen Pemberton
Hearing Unnecessary	
Attending	Yes
Supporting documents	<ol style="list-style-type: none"> 1. Objections already sent to EDDC Licensing 2. It is the responsibility of EDDC Licensing to uphold the rights of residents, and not accept unacceptable applications. 3. And for the hearing Cllrs to do the same.
Summary of key points	<p><u>PREVENTION OF CRIME & DISORDER</u> These concerns are always elevated by late night drinking and events.</p> <p><u>PUBLIC SAFETY</u> These concerns are always elevated by late night drinking and events.</p> <p><u>PREVENTION OF PUBLIC NUISANCE</u> Event is in the middle of a quiet residential area. There are families, children, the elderly and dying people. The hospital with in-patient wards is there. The lateness of alcohol and music is excessive for residents.</p> <p><u>PROTECTION OF CHILDREN FROM HARM</u> These concerns are always elevated by late night drinking and events. Young teenagers from all around will be encouraged from all around.</p>

2.	Mr Garland Pickard
Hearing Unnecessary	
Attending	No

Supporting documents

EMAIL RECEIVED 16/02/23

Dear Lesley, Many thanks for your email the contents of which I note with some concern, especially as to the timing of Licensing at all venues. The worst is for Blackmore Gardens and as I have previously told you I believe that it is disgraceful that the FF have even applied to hold a part of their festival in this particular place, due to it's extremely close proximity to the Hospital: EDDC should cancel this venue and tell the FF to hold it instead in the Connaught Gardens where it would have a far lesser impact, especially as last year the volume was far too high. It may well be within the limit agreed, but being in that area with all of the buildings surrounding it the sound is amplified to a horrendous volume and I , living in (*address removed*), could not use my rear rooms due to the volume, and the same applies to the J & B Festival. It is bad enough having to suffer the volume from the Ham and now we are accosted by such a noise from the Blackmore Gardens as well and I am sure that we could have a case in Law to limit the noise because it impinges on our ability to use our houses as we should be able. I find it appalling that this volume is allowed.

Unfortunately I shall not be able to attend the Meeting although you have a list of my objections. Do not forget that YOU are in charge of everything pertaining to Licensing and it is within YOUR remit to refuse any application to use Blackmore Gardens, and the Applicant has NO say in this, even though they have been allowed to use this venue in the past. It is time for EDDC to think of the locals and those having to work in the Hospital, and even more so for those poor Patients who have no say whatsoever. Also I have not received any correspondence from you so will you kindly resend it to me in an email format.

Yours sincerely,

Garland Pickard

EMAIL RECEIVED 22/02/24

Dear Lesley, I am in receipt of the documentation regarding the Licensing hours for this year's FF: it was delivered well after your last email telling me that I should have received it. Unfortunately, due to health reasons, I shall not be able to attend either meetings, however I should appreciate it if you could answer a question. I have sent in to you my objections to both Applications and as I am not able to attend will these objections be available to the Licensing Committee members to view, or will not being able to attend invalidate these objections, and the Committee will not have them in front of them? I ask this as I am afraid that I do not understand how these proceedings work. I believe that the main objection is the close proximity of the FF stage in Blackmore Gardens, and by that I mean the whole gardens, to the Hospital as it seems that those who work there and including the Patients do not have any right to object as it seems that they are included in the same group as the local householders. If the volume is too

	<p>excessive for me in the rear of my property as it stops me from the use of my property, then in the Hospital it must be awful. Many thanks in this matter.</p> <p style="text-align: right;">Yours sincerely,</p> <p style="text-align: right;">Garland Pickard</p>
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3.	Mr James Walker
Hearing Unnecessary	
Attending	No
Supporting documents	<p>Good Morning Ms. Norsworthy,</p> <p>Thank-you for your e-mail.</p> <p>Please be advised that I shall not be attending the licence application hearing either. My view is quite straightforward - and I believe that I have expressed myself adequately in writing. How your office chooses to deal with the matter is for your office. You are experienced professionals, and the Licensing Act is very clear.</p> <p>Let us be quite clear, NO outdoor event producing noise between 11.00 p.m. and 7.00 a.m. should be allowed in residential areas. This 'noise' should include the egress of people, and an end of event clearing-up (similarly early starts too).</p> <p>Blackmore Garden is in the heart of a residential area - accordingly, I reiterate my objection to the licensing of any events there that do not conclude - restoring total quiet, before 11.00p.m.</p> <p>The 'noise nuisance' produced by the Jazz & Blues Festival (JBF) is a separate matter. As my m.peg clips clearly reveal, the event produces significant noise levels that deprives residents of their right to quiet enjoyment of their homes</p> <p>This constitutes a 'nuisance'.noise that goes on for 10-12hrs each day for four days. Your colleagues in 'Environmental Protection' have actively facilitated this - utilising false constructs. Their lack of bona fides is then compounded by the fact that they are appointed to investigate any complaints about the 'noise nuisance' they helped create.</p> <p>I will therefore also leave this matter with your office.</p> <p>Thank-you for your attention.</p> <p>Sincerely,</p> <p>James Walker</p>

4.	Mr Graham Wardle
Hearing Unnecessary	
Attending	No
Supporting documents	<p>My response to your requirements are as follows:</p> <ol style="list-style-type: none"> 1. I will not be able to attend a hearing on 6th March as I will still be in Australia at that time. 2. From my viewpoint a hearing is unnecessary. I am only suggesting minor amendments to the licence application (i.e. recommending that the sale of alcohol should be stopped on the site from 2200 to allow a full clear up so the area is cleared and quiet by 2300, which I understand is a basic legal requirement in a residential area). 3. No request 4. I have nothing to add to my original objection/representation <p>Yours faithfully,</p> <p>Graham Wardle</p>

Report to: Licensing and Enforcement Sub Committee



Date of Meeting: 6 March 2024

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 time limited 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 permit licensable activities at the Sidmouth Folk Festival event at the location known as Betsy's Knapp, Corner of Bickwell Lane and Station Rd/Bulverton Rd, Sidmouth.

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 – Operating Schedule (conditions offered by applicant)

APPENDIX C – Premises Plan

APPENDIX D – Location Plan

APPENDIX E – Representations

APPENDIX F – Additional correspondence

APPENDIX G – 2023 Licence

APPENDIX H – Environmental Health Information

APPENDIX I – Section 182 Guidance on public nuisance

APPENDIX J – Responses to Notice of Hearing

[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 Sidmouth Folkweek Productions Ltd. Sidmouth Folk Week is an annual event, now in its 70th year. The event is held in various venues across the town of Sidmouth. Three premises licence applications have been submitted by Sidmouth Folkweek Productions Ltd to cover the locations at The Ham, Blackmore Gardens and Betsy's Knapp, Bulverton. This report relates to the application for the Betsy's Knapp site only.
- 1.2 The application is provided at **APPENDIX A**.
- 1.3 This is a time limited premises licence application, covering the period Friday 2nd August 2024 to Saturday 10th August 2024. 10th August is included within the application period to permit the activities that are to take place on the evening of Friday 9th August (into the early hours of the 10th), the final evening of the festival.
- 1.4 The proposed timings and licensable activities applied for are as follows, the times requested are the same for each event day:

Performance of live music (Indoors)

09:30 to 01:30

Playing of recorded music (Indoors)

09:30 to 01:30

Performance of dance (Indoors)

09:30 to 01:30

Entertainment of a similar description (Indoors)

09:30 to 01:30

Provision of late night refreshment

23:00 – 04:00

Supply of alcohol for consumption ON the premises only

12:00 to 02:30

Premises Open Hours

09:30 to 05:00

- 1.5 Where activities are referred to as being 'indoors', please note this may apply to events held within a marquee or tent.
- 1.6 As part of the application the applicant must set out the steps they intend to take to promote the four licensing objectives:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm

These will form conditions on the licence, if or when the licence is granted. The applicant has set out these steps as an attachment to the application. The document is referred to by the applicant as 'licensing notes', attached at **APPENDIX B**.

- 1.7 The conditions offered at **APPENDIX B** have been amended by the applicant since first submitted, following discussion with the Environmental Health Officer. Additional conditions have been added in relation to noise. Conditions shown at a) in **APPENDIX B** are new, replacing the original condition which stated 'there will be a level of 55db at the nearest residential property'
- 1.8 The application seeks to licence an area of the field. The proposed licensed area will include the Bulverton folk dance venue and Betsy's Lounge. The location is in close proximity to the festival campsite and car park, located on the other side of Bulverton Rd. This premises licence application relates to licensable activities in the field only, it does not include the festival campsite or car park.
- 1.9 A premises plan is provided at **APPENDIX C**.
- 1.10 The premises plan (**APPENDIX C**) shows the extent of the proposed licensed area, outlined in red. Consumption of alcohol is to be within the licensed area only, alcohol purchased at the premises cannot be taken away from the licensed area.
- 1.11 A location plan is provided at **APPENDIX D**. This shows the Betsy's Knapp location, along with the adjacent campsite location.

2 Statutory Bodies' Response

- 2.1 Devon & Cornwall Police
No representations. The following information has been received from the Police Licensing Officer:

In relation to all three Folk Week applications, The Ham, Betsy's Knapp and Blackmore Gardens, having read all the supporting documents I am satisfied that the applicant has adequately demonstrated how they will promote the licensing objectives, I note that the event is to be run in accordance with an agreed EMP (Event Management Plan), I will ensure that I am happy with the EMP prior to the event going ahead.

2.2 Devon & Somerset Fire & Rescue Service
No representations.

2.3 Area Child Protection Committee and Local Safeguarding Children Board
No representations.

2.4 Devon Trading Standards
No representations.

2.5 East Devon District Council, Environmental Health Service
The following information has been received from the Environmental Health Officer: I have considered the licence application and do not anticipate any environmental health concerns. (additional information regarding pre-application discussion provided at **APPENDIX H**)

2.6 East Devon District Council, Planning & Countryside Service
No representations. been received.

2.7 Primary Care Trust
No representations.

2.8 Home Office
No representations.

3 Representations and Responses to Notices of Hearing

3.1 A representation has been received from ONE Sidmouth resident. This is provided at **APPENDIX E**.

3.2 Additional email correspondence has been received, in addition to the initial representations. Attached at **APPENDIX F**.

3.3 The representation received suggests that the hours for the sale of alcohol have been increased this year. This is incorrect. There is no increase in any of the licensable activity timings, or the premises opening times.

3.4 To assist the sub-committee, a copy of the 2023 premises licence for the Folk Week event at Betsy's Knapp is attached, along with the premises plan at **APPENDIX G**.

3.5 The Sidmouth Folk Week application for Betsy's Knapp has been consistent in recent years (licensing database checked each year as far back as 2018), all regulated entertainment activities timings and premises opening times granted are identical. There is a slight variation in the start timings for the sale of alcohol, commencing at either 11:00 or 12:00 each year.

3.6 Details of the responses to the statutory Notice of Hearing are attached at **APPENDIX J**.

4 Proposed Operating Schedule and Mediation

- 4.1 The conditions offered by the applicant in the operating schedule are attached at **APPENDIX B.**
- 4.2 The applicant has provided an extensive Event Management Plan, Noise Management Plan and Risk Assessment document. These documents were circulated to the Responsible Authorities along with the application and premises plan.
- 4.3 The applicant has entered into a pre-application discussion with the Environmental Health Officer (EHO). Information regarding these discussions and the resulting recommendations have been provided by the EHO, attached at **APPENDIX H.**
- 4.4 As noted in this report at 1.7, the proposed conditions have been amended by the applicant to reflect the Environmental Health recommendations.
- 4.5 At the request of the applicant, an invitation was extended to attend a mediation meeting at Blackdown House. The one party who raised an objection has advised they are not able to attend the meeting and therefore no mediation meeting will take place.

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.
- 5.4 Section 5.5.7 of the Policy states: For large scale events that are occasional in nature and where the maximum number of attendees exceeds 499 people, the licensing authority will require an application for a full time-limited premises licence. A separate application will be required for each individual event regardless of whether the event occurs annually or on more than one occasion in any year. This will allow the Responsible Authorities and members of the public the opportunity to consider each application in light of previous events held. Responsible Authorities and Interested Parties should have the opportunity to make representations relevant to the nature of the event which is planned. Large scale events have significant potential to undermine the promotion of the licensing objectives, due to their size, complexity and the potential implications for planning such events. Risks can be adequately mitigated by the submission of an up to date, relevant, detailed and complete operating schedule specific to the proposed event on each separate occasion.

Conditions

- 5.5 Section 6 of the policy sets out what the Sub Committee should consider before imposing conditions on a licence.
- 5.6 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

- 5.7 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.
- 5.8 Section 10.2 of the Policy states: There is no presumption within the Act for longer opening hours over objections from local residents and businesses located in the vicinity of licensed premises but the licensing authority will consider licensing hours in the interests of avoiding a concentration of disturbance while ensuring that nuisance is minimised to local residents. Shops and public houses will generally be permitted to sell alcohol during the hours they intend to open. Entertainment providers will be encouraged to provide and promote a range of entertainment during their operating hours including live music, dancing and theatre for the wider cultural benefit of the community. It will be a matter for individual applicants to address the licensing objectives in their operational schedule within the context of the nature of the location, type of premises, entertainment to be provided, operational procedures and the needs of the local community.
- 5.9 Section 10.3 of the Policy states: In considering relevant representations, the licensing authority will consider the adequacy of measures proposed to deal with the potential for nuisance and/or public disorder having regard to all the circumstances of the case.
- 5.10 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

- 5.11 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.

6 Guidance issued under Section 182 Licensing Act 2003 (revised December 2023)

6.1 Public Nuisance

Section 2.21 – Section 2.27 of the Guidance refers to Public Nuisance in detail. This guidance is provided at **APPENDIX J**.

Representations

- 6.2 Section 9.4 of the Guidance states: A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.

For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

- 6.3 Section 9.9 of the Guidance states: It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.

The Role of Responsible Authorities

- 6.4 Section 9.12 of the Guidance states: Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective.

Imposing conditions

- 6.5 Section 10.8 of the Guidance states: The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.
- 6.6 Section 10.9 of the Guidance states: It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.

6.7 Proportionality

Section 10.10 of the Guidance states: The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided.

6.8 Hours of Trading

Section 10.13 of the Guidance states: The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.

- 6.9 Section 10.14 of the Guidance states: Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.

The need for licensed premises

- 6.10 Section 14.19 of the Guidance states: There can be confusion about the difference between the “need” for premises and the “cumulative impact” of premises on the licensing objectives, for example, on crime and disorder. “Need” concerns the commercial demand for another pub or restaurant or hotel and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.

7. Observations

- 7.1 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’.
- 7.2 The individual who has raised an objection has indicated they are unable to attend the hearing. Their original written representation will still have to be considered by the committee **(APPENDIX E)**.
- 7.3 Dominic Moss is nominated as the Designated Premises Supervisor. Mr Moss holds a Personal Licence, issued by Teignbridge District Council.
- 7.4 The Sub Committee will now need to consider whether to grant this application as it stands or in the light of the representations 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.
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.

(b) 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 19

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 This is the unique reference for this application generated by the system.

Your reference 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?

- Yes
- No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader
- Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

* Is the applicant's business registered in the UK with Companies House? Yes No

* Registration number

* Business name

* VAT number

* Legal status

If the applicant's business is registered, use its registered name.

Put "none" if the applicant is not registered for VAT.

Continued from previous page...

* Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

An agent that is a business or organisation, including a sole trader

A sole trader is a business owned by one person without any special legal structure.

A private individual acting as an agent

Agent Business

* Is your business registered in the UK with Companies House? Yes No

* Registration number

* Business name

If your business is registered, use its registered name.

* VAT number

Put "none" if you are not registered for VAT.

* Legal status

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Agent 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 19

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

Address Description

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 19

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company
- A partnership
- An unincorporated association
- 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
- Other (for example a statutory corporation)

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 19

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...

Private Limited Company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

Section 5 of 19

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
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.

Temporary marquee/big top for dancing, music and workshops of the folk genre. Plus separate bar and catering for guests. Late night undercover lounge area for campsite guests

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

Continued from previous page...

Section 6 of 19

PROVISION OF PLAYS

Will you be providing plays?

- Yes No

Section 7 of 19

PROVISION OF FILMS

Will you be providing films?

- Yes No

Section 8 of 19

PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

- Yes No

Section 9 of 19

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 19

PROVISION OF LIVE MUSIC

Will you be providing live 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

Continued from previous page...

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.

Music will be amplified.

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.

n/a

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.

n/a

Section 11 of 19

PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

- Yes No

Standard Days And Timings

Continued from previous page...

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 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.

See previous notes

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.

n/a

Continued from previous page...

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.

n/a

Section 12 of 19

PROVISION OF PERFORMANCES OF DANCE

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

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

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End

SATURDAY

Start

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Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

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.

See previous notes

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.

n/a

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.

n/a

Section 13 of 19

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

Will you be providing anything similar to live music, recorded music or 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

WEDNESDAY

Start

End

Start

End

Continued from previous page...

THURSDAY

Start End

Start End

FRIDAY

Start End

Start End

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

Give a description of the type of entertainment that will be provided

Any folk related entertainment which might not be covered under previous sections such as puppetry, street theatre etc

Will this entertainment 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.

See previous notes

State any seasonal variations for entertainment

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

n/a

Non-standard timings. Where the premises will be used for entertainment 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.

n/a

Section 14 of 19

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- 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

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Start

End

THURSDAY

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Start

End

FRIDAY

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End

SATURDAY

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Start

End

SUNDAY

Start

End

Start

End

Will the provision of late night refreshment 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.

Continued from previous page...

Late night catering for use by guests within the venue or upon leaving at end of concert. Additionally for lounge area guests

State any seasonal variations

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

n/a

Non-standard timings. Where the premises will be used for the supply of late night refreshments 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.

n/a

Section 15 of 19

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

Continued from previous page...

FRIDAY

Start End

Start End

SATURDAY

Start End

Start End

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.

n/a

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.

n/a

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

Name

First name

Family name

Continued from previous page...

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

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 19

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.

n/a

Section 17 of 19

HOURS PREMISES ARE OPEN TO THE PUBLIC

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.

Continued from previous page...

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

State any seasonal variations

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

n/a

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.

n/a

Section 18 of 19

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)

Continued from previous page...

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

See separate document

b) The prevention of crime and disorder

See separate document

c) Public safety

See separate document

d) The prevention of public nuisance

See separate document

e) The protection of children from harm

See separate document

Section 19 of 19

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 (£)

100.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Continued from previous page...

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"/>

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application.

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	<input type="text"/>
* Capacity	<input type="text"/>
Date (dd/mm/yyyy)	<input type="text"/>

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

1. Save this form to your computer by clicking to 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 ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION



Licensing Notes For: **Betsys Knapp**
Location: **Station Road/Bulverton Road (Hillside), Sidmouth, Devon**
Name of Applicant: **Sidmouth FolkWeek Productions Ltd**

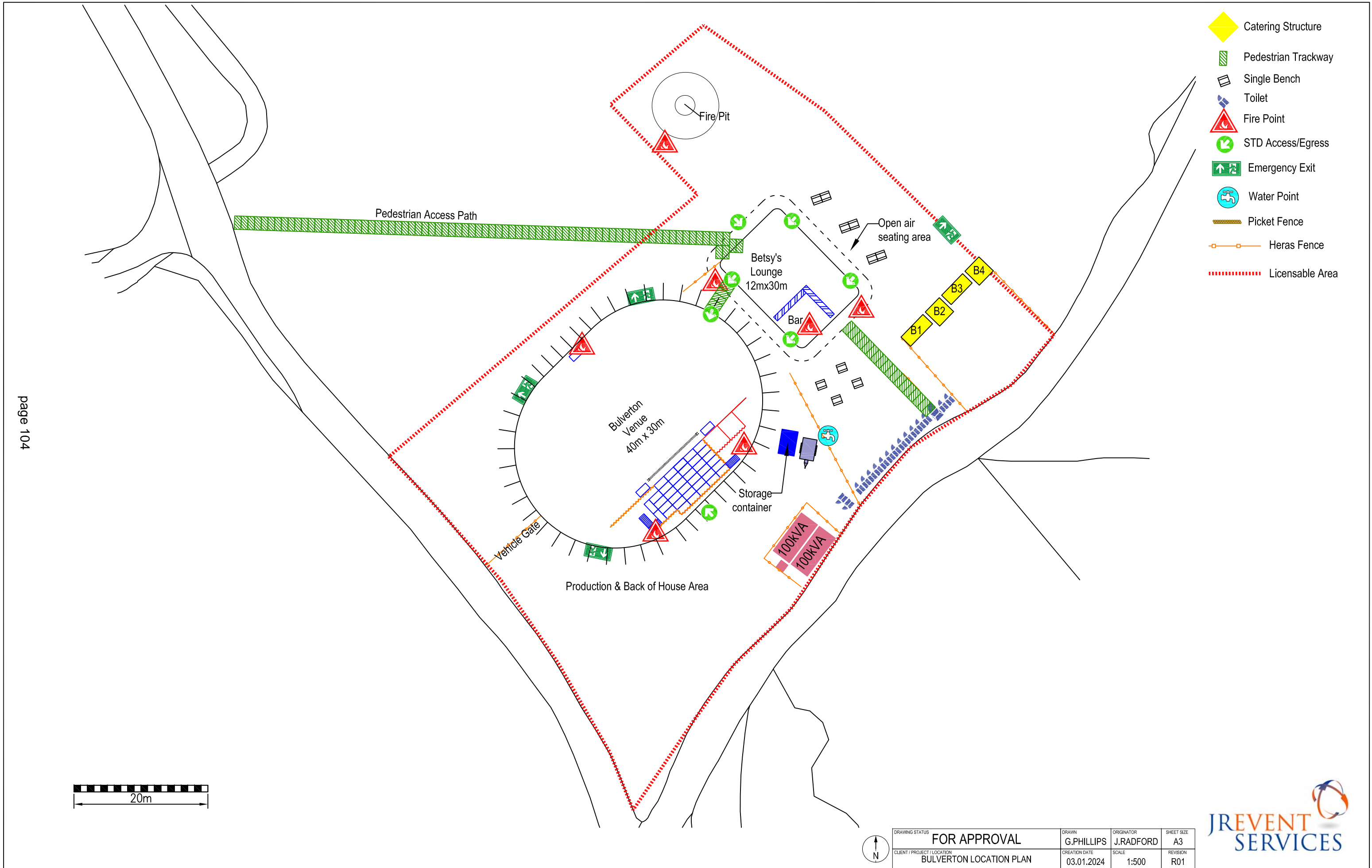
1. The License Holder must ensure that the Venue Manager receives all Health and Safety Data relevant to the premises, prior to the premises being open to the public.
2. The License Holder must ensure that radio contact between festival stewards and SIA Security staff is maintained during the hours that the premises are open to the public.
3. The License Holder must ensure that all festival stewards receive training in safety routines prior to premises being opened to the public.
4. The License Holder must ensure that noise levels and public behaviour are monitored.
5. The License Holder must fully comply throughout the duration of the License with the festival safety and other policies as submitted to the Licensing Authority with the application for the grant of the Premises License.
6. The License Holder must ensure that all SIA security staff are correctly registered with the Security Industry Authority.
7. The License Holder must ensure that prior to the premises being opened to the public, security fencing is erected as shown on the plan deposited with and approved by the Licensing Authority.
8. The License Holder must ensure that adequate lighting is provided throughout the premises during the hours that the premises are open to the public.
9. The License Holder must, throughout the duration of the License, have regular contact with the Licensing Authority and the Devon and Cornwall Constabulary.
10. The License Holder must fully comply throughout the duration of the License with the Risk Assessment submitted to the Licensing Authority.
11. The License Holder must ensure the public are informed of emergency procedures prior to the commencement of all concerts and events.
12. SIA stewarding levels will be commensurate with the determined risk levels for the venue concerned based on evidence from 2019 in regard to public disorder. Exact numbers of SIA and SFWP stewarding staff to be defined and documented through consultative process with relevant authorities not later than 60 days prior to event commencement.
13. When going off duty stewards will remove any identifying clothing.
14. Stewards will not consume, or be under the influence, of alcohol or controlled substances whilst on duty.
15. The License Holder must ensure that the fire safety measures with which the premises are provided are maintained in good working order, and their adequacy will be determined on a regular basis, by the carrying out of a fire risk assessment as required by, and in accordance with the Regulatory Reform (Fire Safety) Order 2005.

16. The License Holder must ensure that free fresh water is available at all times.
17. The License Holder must ensure that an appropriate method for checking the number of people entering and leaving the premises is employed and steps will be taken so that, once the maximum occupancy is reached, no further persons are admitted.
18. The License Holder must ensure that noise levels are monitored and adjusted to comply with the levels as determined in consultation with the Environmental health officer responsible for the event.
19. The License holder will ensure that children under 12 will either be accompanied by a responsible adult or signed in as appropriate to designated workshops and events. Under 16's must be accompanied by a responsible adult at any event that is programmed to run after midnight.
20. There will be a dedicated area where under 18's may purchase soft drinks.
21. The License Holder must ensure that alcohol is not purchased or consumed by under age persons.
22. No beverages, either alcoholic or non-alcoholic, will be sold in glass bottles. All bottled beverages are to be poured into glasses at the point of sale. All glasses will be plastic or toughened glass.
23. A "Challenge 25" policy will be in operation throughout the event.
24. The extent of the areas within which the various licensable activities will be permitted are as shown outlined in **RED**.

Environmental Health:

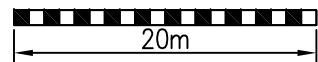
- a) Between the hours of 07:00 and 23:00 the A-weighted equivalent continuous music noise level (MNL) emanating from the premises, when measured or determined at the boundary of any noise sensitive property over any 15-minute period must not exceed 70 dB (LAeq15min).
Between the hours of 23:00 and 07:00 the A-weighted equivalent continuous music noise level (MNL) emanating from the premises, when measured or determined at the boundary of any noise sensitive property over any 5-minute period must not exceed 50 dB (LAeq 5min).
Should any low frequency noise complaints be received steps will be taken to reduce the low frequency content of the music noise level particularly at 63 and 80 Hz. Decibel levels shall be recorded once any sound engineers adjustments have been made.
- b) There will be a meeting between responsible SFWP persons and an EHO from EDDC, on Date to be decided, to determine a "standard" level for the week in terms of the LNE venue.
- c) A base level will be set with Production Director, Head of Sound for venue + EHO for EDDC in attendance.
- d) Each evening a reading will be obtained from three locations to enable a pro-active response to the prevailing weather conditions. The three locations will be the first house away from the LNE venue in Bickwell Lane, Old railway line running between Woolbrook Road and Bulverton Folk Campsite and Residential Property between Ice House Lane and Dark Lane on the B3176.
- e) SFWP will supply a contact number to identified residents to allow a "direct" link in terms of sound levels. On contact from a member of the public SFWP will respond by detailing a member of staff to attend the location of the complaint to check sound levels and decide on an appropriate response.

APPENDIX C



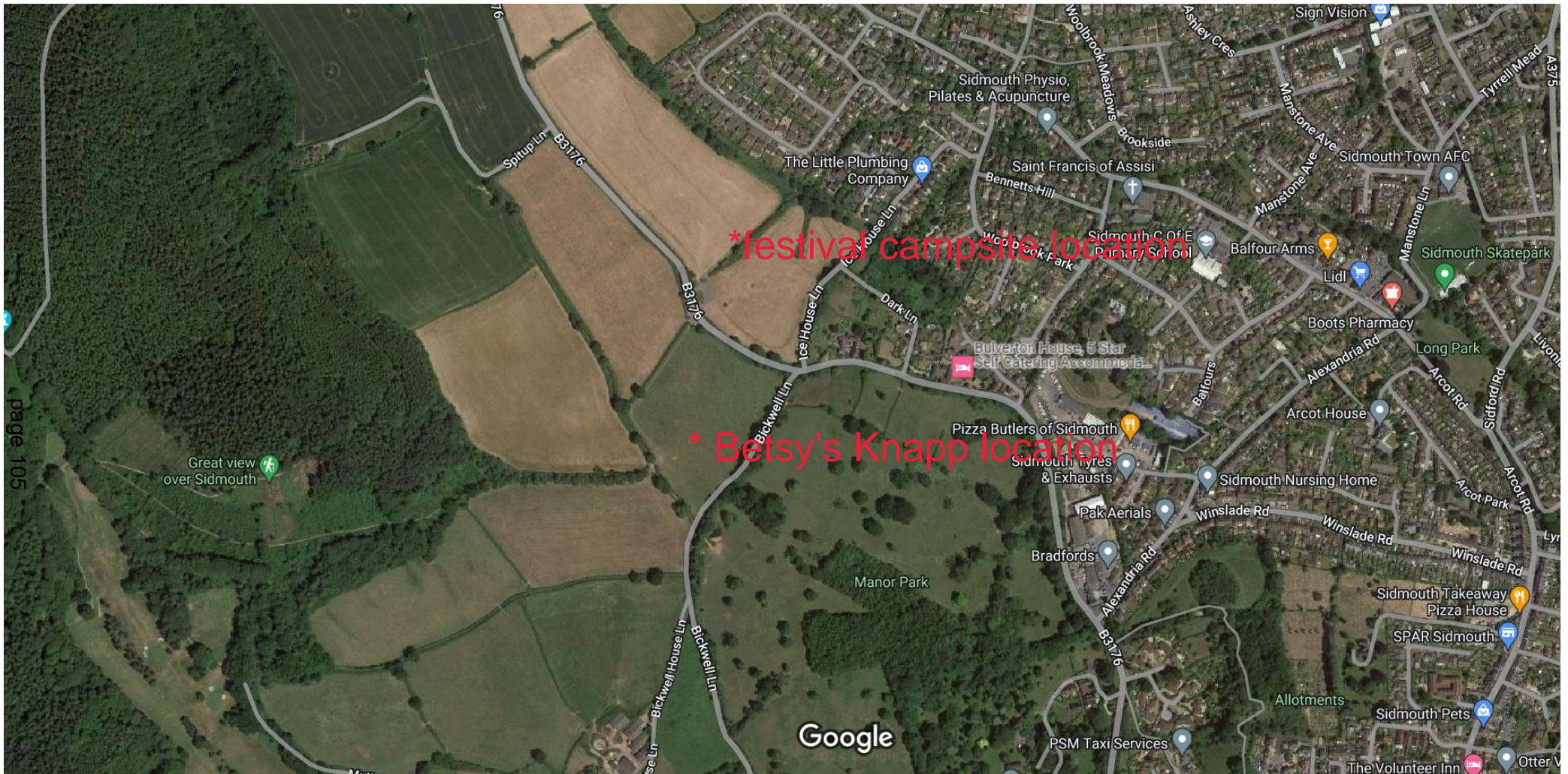
- Catering Structure
- Pedestrian Trackway
- Single Bench
- Toilet
- Fire Point
- STD Access/Egress
- Emergency Exit
- Water Point
- Picket Fence
- Heras Fence
- Licensable Area

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DRAWING STATUS	FOR APPROVAL		DRAWN	G.PHILLIPS	ORIGINATOR	J.RADFORD	SHEET SIZE	A3
CLIENT / PROJECT / LOCATION	BULVERTON LOCATION PLAN		CREATION DATE	03.01.2024	SCALE	1:500	REVISION	R01





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REPRESENTATIONS LIST

APPENDIX E

Application No: 057136

Application Date: 12 January 2024

Licence Type: Premises Licence WITH Alcohol

Licence No: N/A

Application Type: New Application

Premises:

Betsy's Knapp

Corner Bickwell Lane & Station Road / Bulverton Rd, SIDMOUTH, Devon.

Applicant:

Sidmouth FolkWeek Productions Limited

3 Church Street, Aylesbury, HP20 2QP.

Person making Representation: Garland Pickard

Representation Accepted: Representation has been accepted

Reason:

Public Nuisance

Details:

Dear Lesley Barbour, Please take this as a Formal Objection to the Application of the Folk Festival for yet more extensions to both the sale of alcohol and operating hours.

Betsy's Knapp. I do not understand why this application was made as the hours are far too long already and I suppose that for next year there will be a further application for 24 hour entertainment and alcoholic sales. I have friends who live in Woolbrook Park and they tell me that they dread the FF noise emanating from the main tent at the top of the hill as it is far too loud and is annoying to householders. This application must also be refused.

Evidence:

Suggestion:

PICKARD

APPENDIX F

From: Licensing EDDC
Sent: Wednesday, February 7, 2024 4:33 PM
To: Garland Pickard [REDACTED]
Subject: Premises Licence Applications, Sidmouth Folk Week - Blackmore Gardens & Peacock Lawn and Betsy's Knapp

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Dear Mr Pickard

**Premises Licence Applications
Sidmouth Folk Week - Blackmore Gardens & Peacock Lawn and Betsy's Knapp
Representation**

Thank you for your email. I have accepted your email as a formal representation against these two premises licence applications.

This matter will now proceed to a hearing before the Licensing Sub-Committee. Formal Notice of Hearing documents will be sent to you early next week which will contain the hearing details and will ask you to provide any additional information, in support of your representations. The notice will also invite you to confirm if you will attend the hearing to address the sub-committee.

It may assist if I offer clarification in relation to something you have raised in your representation. There is no existing licence in place for either of these locations. Sidmouth Folk Week Productions Ltd must submit a fresh application each year if they wish to provide licensable activities and that is what they have done. The fact that an application has been made does not automatically mean that this is to extend the hours over and beyond what has existed previously.

Should you have any questions regarding the Licensing Act process in relation to the hearing please do contact me.

Additional Representation Correspondence

Regards

Lesley Barber
Licensing Officer

Licensing
East Devon District Council

lesley.barber@eastdevon.gov.uk

01404 515616



www.eastdevon.gov.uk

page
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Heathpark Industrial Estate,
Honiton. EX14 1EJ

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From: Garland Pickard [REDACTED]
Sent: Thursday, February 8, 2024 2:53 PM
To: Licensing EDDC licensing@eastdevon.gov.uk
Subject: Folk Festival applications

Dear Lesley Barber, Many thanks for your email the contents of which I note, especially my misinterpretation regarding previous applications as I presumed that once an application was made then the Applicant had to apply for further additional hours and not for a full application. I believe that the massive increase of hours now asked for, both for music, refreshments and the sale of alcohol is out of all proportion for both sites. I consider that the Blackmore site should have a finishing time of 9 pm due not only to residents, but even more importantly due to the nearness of the Hospital as at their closeness even triple glazing would not keep out the noise.

Additional Representation Correspondence

As far as the Betsy's Knapp application for roughly 20 hours of music and entertainment per day, together with the sale of food and alcohol for a large part of this is completely unacceptable.

Once again, many thanks. Regards, Garland Pickard.

From: Licensing EDDC

Sent: Thursday, February 8, 2024 3:10 PM

To: Garland Pickard [REDACTED]

Subject: RE: Folk Festival applications

Dear Mr Pickard

Your additional comments are noted and will be included within the report to the sub-committee. However, may I clarify that there is no 'massive increase of hours', in fact there is no increase of hours at all for any of the licensable activities, across either of the sites, compared to the 2023 event.

Regards

Lesley Barber

Licensing Officer

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Licensing Act 2003

Premises Licence Summary

PLWA0969

East Devon District Council has granted this Premises Licence in accordance with the Licensing Act 2003. The licence authorises the identified premises to accommodate the licensable activities set out in the document and the plan deposited with and approved by the Licensing Authority. Where the sale of alcohol is authorised as a licensable activity the licence identifies the Designated Premises Supervisor.

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Betsy's Knapp

Corner Bickwell Lane & Station Road / Bulverton Rd, SIDMOUTH, Devon.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Commences **04/08/23**

expires **12/08/23**

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

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

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	Monday to Sunday	9:30am	1:30am
F. Playing of recorded music (Indoors)	Monday to Sunday	9:30am	1:30am
G. Performance of dance (Indoors)	Monday to Sunday	9:30am	1:30am
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Monday to Sunday	9:30am	1:30am
I. Late night refreshment (Indoors & Outdoors)	Monday to Sunday	11:00pm	4:00am
J. Supply of alcohol for consumption ON the premises only	Monday to Sunday	11:00am	2:30am



Licensing Act 2003

Premises Licence Summary

PLWA0969

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	9:30am	5:00am

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON the premises only

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Sidmouth FolkWeek Productions Limited	3 Church Street, Aylesbury, HP20 2QP.
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REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Sidmouth FolkWeek Productions Limited	05610997
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NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Dominic MOSS

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Not applicable



Melanie Wellman
Director of Governance and Licensing





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DRAWING STATUS

FOR INFORMATION

- Catering Structure
- Pedestrian Trackway
- Single Bench
- Toilet
- Fire Point
- STD Access/Egress
- Emergency Exit
- Water Point
- Picket Fence
- Heras Fence
- Licensable Area

CLIENT

SIDMOUTH FOLK FESTIVAL

PROJECT

SFF 2023

TITLE

BULVERTON SITE MAP V2

DATE

06/02/23

SCALE **DRAWN BY**

1:500 @ A3

ECL

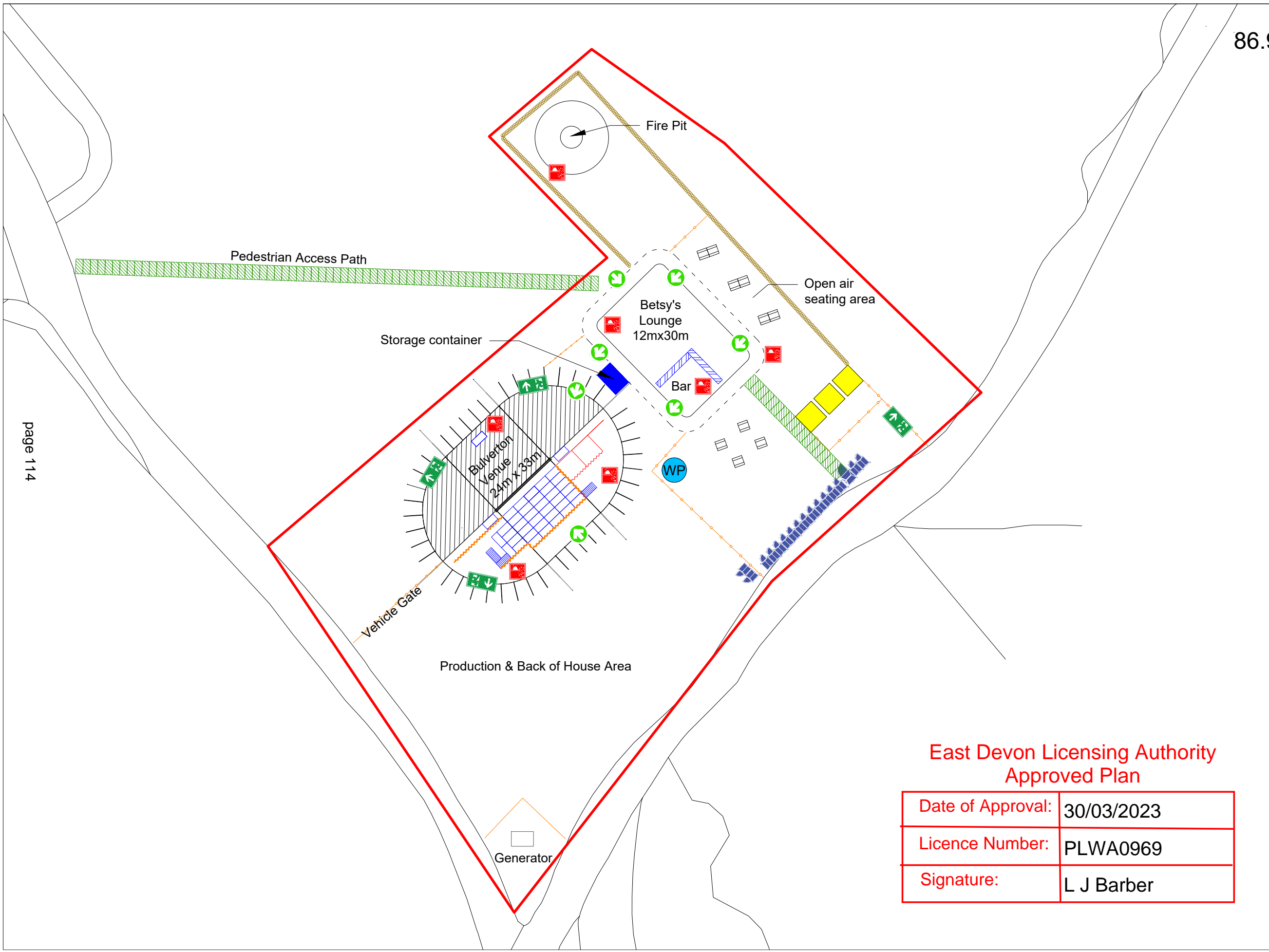
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East Devon Licensing Authority
Approved Plan

Date of Approval:	30/03/2023
Licence Number:	PLWA0969
Signature:	L J Barber

86.9

Prior to the submission of any licensing application for the Folk Festival, EDDC's Environmental Protection's EHO was involved in pre-application discussions with the event organiser. During this pre-application review the events noise management plan was evaluated. During the review process any past noise complaints/concerns was taken into consideration together with any past pro-active noise monitoring.

The noise management plan has been very well written offering excellent local liaison, with clear communications for members of the public. Following the review process a number of small recommendations were made to the suggested music noise levels. These included the following:

- Between the hours of 07:00 and 23:00 the A-weighted equivalent continuous music noise level (MNL) emanating from the premises, when measured or determined at the boundary of any noise sensitive property over any 15-minute period must not exceed 70 dB (LAeq15min).
- Between the hours of 23:00 and 07:00 the A-weighted equivalent continuous music noise level (MNL) emanating from the premises, when measured or determined at the boundary of any noise sensitive property over any 5-minute period must not exceed 50 dB (LAeq 5min).
- Should any low frequency noise complaints be received steps will be taken to reduce the low frequency content of the music noise level particularly at 63 and 80 Hz. Decibel levels shall be recorded once any sound engineers adjustments have been made.

The recommendations made encompass the Bulverton site with its later finish (post 23:00) which, previously was under regulated. The aim of these measures are to ensure that there is adequate protection for local residents in terms of the music noise levels from all of the event locations.

Once these recommendations were agreed and written into the event noise management plan, Environmental Health were satisfied that the noise management plan was robust and offered a high degree of protection to local residents from any excessive music noise.

Taking all of the above points into consideration, when the Licensing applications were submitted for the Sidmouth Folk Festival 2024, the EHO had no Environmental Health concerns in relation to the operation and management of the events.

**REVISED GUIDANCE ISSUED UNDER SECTION 182 OF THE LICENSING ACT 2003
DECEMBER 2023****Public Nuisance**

2.21 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.22 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.23 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.24 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.25 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

2.26 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

2.27 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

Sidmouth Folk Week 2024 – Betsy’s Knapp, Bulverton
Responses to Notice of Hearing

Applicant

Sidmouth Folkweek Productions Ltd	
Hearing Unnecessary	-
Attending	Yes, applicant’s agent John Radford, JR Event Services Ltd
Supporting documents	-
Summary of key points	-

Other Persons

1.	Mr Garland Pickard
Hearing Unnecessary	
Attending	No
Supporting documents	Dear Lesley, I am in receipt of the documentation regarding the Licensing hours for this year's FF: it was delivered well after your last email telling me that I should have received it. Unfortunately, due to health reasons, I shall not be able to attend either meetings, however I should appreciate it if you could answer a question. I have sent in to you my objections to both Applications and as I am not able to attend will these objections be available to the Licensing Committee members to view, or will not being able to attend invalidate these objections, and the Committee will not have them in front of them? I ask this as I am afraid that I do not understand how these proceedings work