

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

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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:

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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 hosterlies 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:

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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:
