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Friday, 22 September 2023

To All Councillors:

As a Member or Substitute of the **Licensing & Appeals Sub-Committee**, please treat this as your summons to attend a meeting on **Monday, 2 October 2023 at 10.30 am** in the **Committee Room, Town Hall, Matlock DE4 3NN**

Yours sincerely,

James McLaughlin
Director of Corporate and Customer Services

This information is available free of charge in electronic, audio, Braille and large print versions, on request.

For assistance in understanding or reading this document or specific information about this Agenda or on the “Public Participation” initiative please call the Committee Team on 01629 761133 or email committee@derbyshiredales.gov.uk

AGENDA

1. APOLOGIES FOR ABSENCE

Please advise the Democratic Services Team on 01629 761133 or email committee@derbyshiredales.gov.uk of any apologies for absence.

2. ELECTION OF A CHAIRMAN

Proposal that a Member of the Sub-Committee be elected Chairman.

3. INTERESTS

Members are required to declare the existence and nature of any interests they may have in subsequent agenda items in accordance with the District Council’s Code of Conduct.

Those interests are matters that relate to money or that which can be valued in money, affecting the Member, her/his partner, extended family and close friends. Interests that become apparent at a later stage in the proceedings may be declared at the time.

4. EXCLUSION OF PUBLIC AND PRESS

At this point the Committee will consider excluding the public and press in order to At this point the Committee will consider excluding the public and press in order to consider its decision in private in accordance with the Hearing procedure.

5. LICENSING ACT 2003 - APPLICATION FOR NEW PREMISES LICENCE - FOX FESTIVAL SITE, KENSLOW FARM, MIDDLETON-BY-YOULGRAVE, DE4 1LY (Pages 3 - 40)

This report informs the Committee of an application made under section 17 of the Licensing Act 2003, by Fox Trading and Events Ltd, for a new Premises Licence to allow the sale of alcohol and provide regulated entertainment and late night refreshment at an annual 3-day vintage and music festival during July (to be known as Fox Festival).

Members of the Committee Nominated to hear this Appeal:

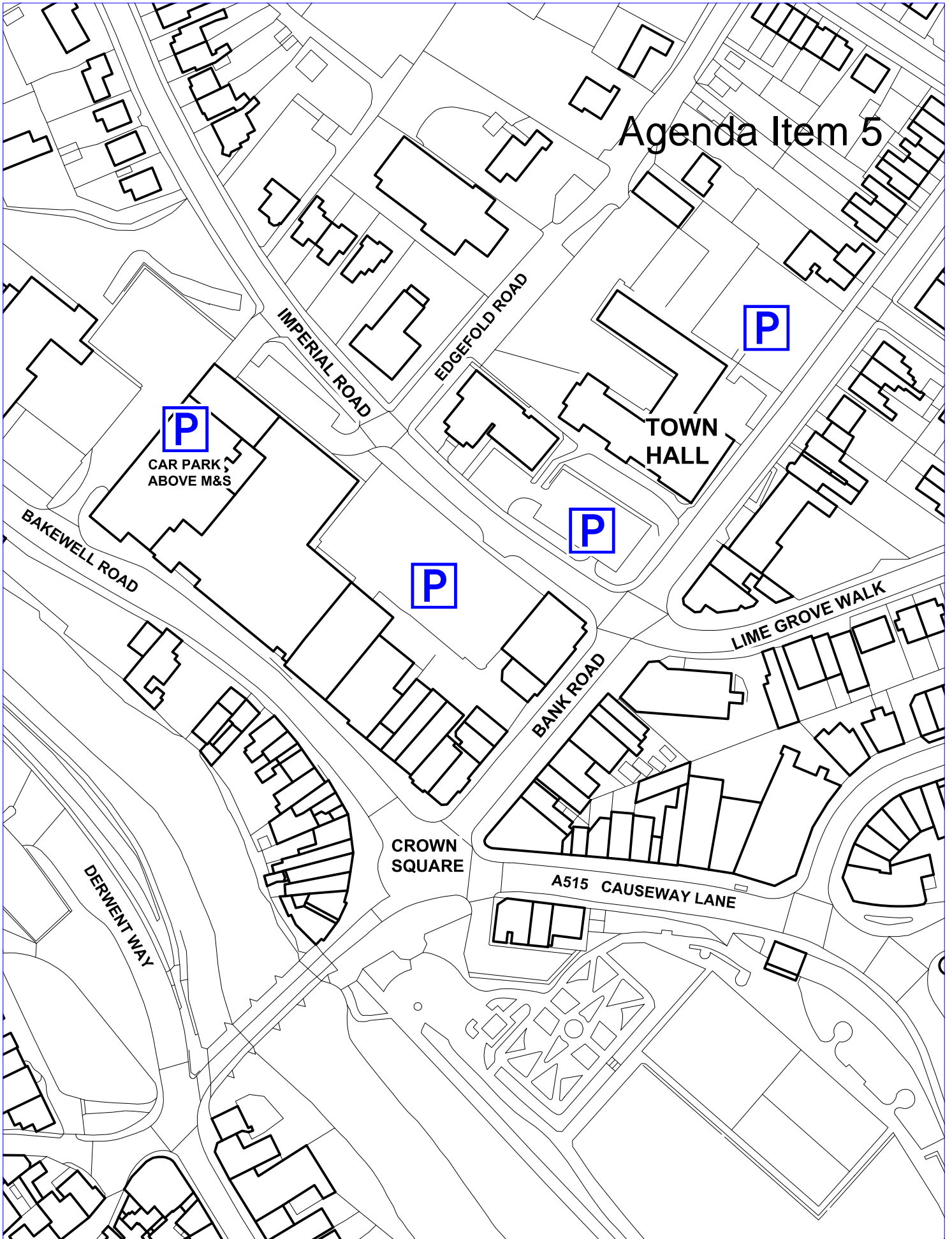
Councillors Peter Dobbs, Marilyn Franks and Steve Wain

Nominated Substitute – Councillor Lucy Peacock

NOTE

For further information about this Agenda or on “Public Participation” call 01629 761133 or email committee@derbyshiredales.gov.uk

Agenda Item 5



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**OPEN
LICENSING AND APPEALS SUB-COMMITTEE**

Licensing and Appeals Sub-Committee – 2 October 2023

**Licensing Act 2003 - Application for New Premises Licence
Fox Festival Site, Kenslow Farm, Middleton-by-Youlgrave, DE4 1LY**

Report of Director of Regulatory Services

Report Author and Contact Details

Eileen Tierney, Licensing Manager
01629 761374 or eileen.tierney@derbyshiredales.gov.uk

Wards Affected

Youlgrave

Report Summary

This report informs the Committee of an application made under section 17 of the Licensing Act 2003, by Fox Trading and Events Ltd, for a new Premises Licence to allow the sale of alcohol and provide regulated entertainment and late night refreshment at an annual 3-day vintage and music festival during July (to be known as Fox Festival).

Full details of the application for the new licence and the procedure for processing it are included in the report.

The Committee is asked to consider representations objecting to the application. These were received from the Council's Principal Environmental Health Officer (acting as two of the Responsible Authorities specified in the legislation), and from 2 local residents. The objections have been made on the grounds that the prevention of public nuisance, and the public safety licensing objectives, would be undermined if the licence was granted.

Recommendations

That the application for a Premises Licence, made by Fox Trading and Events Limited to allow licensable activities to take place at an event known as Fox Festival, at Kenslow Farm, Middleton-by-Youlgrave, be determined.

List of Appendices

- Appendix 1 – Application Form and Site Plans
- Appendix 2 – Schedule of Additional Conditions
- Appendix 3 – Representations from Responsible Authorities
- Appendix 4 – Representations from Other Persons
- Appendix 5 – Hearings Procedure

Background Papers

None

Consideration of report by Council or other committee

No

Council Approval Required

No

Exempt from Press or Public

No

1 The Application

1.1 The Licensable Activities

On 11 August 2023, an application was received from Fox Trading and Events Limited. The application is for a Premises Licence, to allow a 3-day annual event to be known as Fox Festival to take place in fields at Kenslow Farm, in Middleton-by-Youlgrave.

- 1.2 The application seeks to licence the site to permit one 3-day event annually (in July) with no more than 4,999 people as follows:

sale of alcohol for consumption on/off the premises between the hours of:

- 12 Noon and 3am (the following morning) on Friday/Saturday and Saturday/Sunday;
- 12 Noon and 4pm on Sunday.

provision of live and recorded music and associated entertainment between the hours of:

- 12 Noon and 3am (the following morning) on Friday/Saturday and Saturday/Sunday; (with live music to finish at 11pm);
- 12 Noon and 4pm on Sunday.

performance of dance between the hours of:

- 12 Noon and 3am (the following morning) on Friday/Saturday and Saturday/Sunday;
- 12 Noon and 4pm on Sunday.

Supply of late night refreshment (hot drink and/or food only licensable after 11am and before 5am), between the hours of:

- 11pm and 2am (the following morning) on Friday/Saturday and Saturday/Sunday.

Site opening times:

The festival organisers plan to provide overnight camping which means that the site will be open 24 hours.

- 1.3 The applicant has volunteered measures in the operating schedule part of the application (section M) which they consider will ensure promotion of the licensing objectives. (see section 1.8 below),
- 1.4 For events of this nature the applicant is expected to produce an Event Safety Management Plan (ESMP), to support the application. The plan needs to cover the steps, policies and procedures the Event Organiser will put in place to ensure that the event is run safely. Major areas to be addressed are security, traffic management, site management, licensable activities, policies on searching and drugs, welfare, child safety, and evacuation procedures etc.

A copy of the full application and site plan are included in **Appendix 1** for information. A copy of the ESMP will be made available to Members. The applicant has provided photographs of the site following 2 other events that have taken place there this year. These will be made available to all parties before the hearing.

1.5 Advertising the Application

The legislation requires that the application is served on all of the Responsible Authorities, at the same time it is served on the Licensing Authority. Please see table in paragraph 1.11 for details of Responsible Authorities and their responses to the application.

1.6 The applicant is required to display a notice at the premises (on pale blue coloured paper) for a period of 28 consecutive days and place an advertisement in a local newspaper or similar publication which circulates in the area where there isn't a newspaper, informing local residents and businesses of the application. The Licensing Authority is required to advertise notice of the application on the District Council's website, and to make available public register copies on request.

1.7 The 28-day period during which the Responsible Authorities and Other Persons could make representations to the Licensing Authority in respect of this application, ended on Friday 8th September 2023.

1.8 The Operating Schedule – Licence Conditions

In section M of the Operating Schedule part of the application form, the applicant is required to describe the steps that they intend taking to promote the four licensing objectives if the application is granted.

The four licensing objectives are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

1.9 The legislation allows for any measures that an applicant has volunteered in Section M of the Operating Schedule part of the application, to be translated into licence conditions and (together with the Mandatory Conditions specified in the Licensing Act 2003), to be attached to a premises licence, if granted.

1.10 During the consultation period the Police Authority expressed some concerns with the application and after discussions, a schedule of additional measures were agreed by the Applicant and the Police. The schedule is produced in **Appendix 2** for information.

1.11 **Representations**

1.11.1 Responsible Authorities

During the consultation period, the application was provided to the Responsible Authorities for consideration. The responses received from the Responsible Authorities are detailed in the following table:

Derbyshire Police Authority (North Division)	Additional conditions agreed with the Applicant – resulting in a no objection response.
DDDC Environmental Health Public Health Team (Noise Pollution)	Objection. See Appendix 3 of the report. **
DDDC Environmental Health – Commercial Team (Health & Safety).	Objection. See Appendix 3 of the report. **
Derbyshire Fire & Rescue Service (Buxton)	“...The Fire and Rescue Authority has no objection to the granting of a premises licence...”
DDDC Planning Authority	No response.
Derbyshire County Council Trading Standards	No response.
Derbyshire Local Safeguarding Children Board	No response.
Derbyshire County Council Public Health	No response.
DDDC – Licensing Authority	No response required.

** The Principal Environmental Health Officer raised an objection to the application as he was not confident that the ESMP provided demonstrated that the event would be run safely. After discussions with the Applicant a revised ESMP was submitted, however the PEHO was not fully satisfied and asked for his objection to stand. The objection emails from Environmental Health are produced in **Appendix 3**.

1.11.2 Other Persons

During the consultation period, representations in respect of the application were received from two nearby households.

The representations, were made on the grounds that if this licence is granted the Prevention of Public Nuisance and Public Safety licensing objectives, in particular, would be undermined.

The representations are produced in **Appendix 4**, for the Committee’s consideration.

2 **The Hearing**

2.1 The Sub-Committee consists of 3 Members drawn from the full Licensing and Appeals Committee. The Members are Councillors Steve Wain, Marilyn Franks and Peter Dobbs.

2.2 The Sub-Committee will be advised by Kerry France, Legal Services, and the report will be introduced by Eileen Tierney, Licensing Manager.

- 2.3 A copy of the procedure to be followed by the Sub-Committee is set out in **Appendix 5**, for information.
- 2.4 In determining the application for a premises licence the Sub-Committee will take into account the measures proposed by the applicant to promote the 4 licensing objectives and any relevant representation received and not withdrawn. The Committee will also take into account the provisions of the 2003 Act, and the most current Statutory Guidance issued to Licensing Authorities under section 182 of the Act. (April 2018).
- 2.5 The Committee will have regard to the District Council's most current Licensing Policy Statement republished under section 5 of the 2003 Act, in 2016. The Policy was reviewed and republished in January 2021 (to be reviewed again no later than January 2026).
- 2.6 In making its decision the Licensing Sub-Committee has powers to
- approve the application;
 - reject the whole of the application;
 - reject part of the application;
 - exclude licensable activities from the licence;
 - restrict hours of the activities;
 - and/or attach conditions consistent with the Operating Schedule part of the application, or other conditions deemed necessary and proportionate for the promotion of the licensing objectives.

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Appendix 1

Application for a premises licence to be granted under the Licensing Act 2003

Please read the following instructions first

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We

'Fox Trading And Events Ltd' (Company)

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
Kenslow Farm, Middleton by Youlgrave, Bakewell, Derbyshire			
Post town	Derby	Postcode	DE451LY

Telephone number at premises (if any)	██████████
Non-domestic rateable value of premises	£ 0

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **Please tick as appropriate**

a)	an individual or individuals *		please complete section (A)
b)	a person other than an individual *		
	i	as a limited company/limited liability partnership	X please complete section (B)
	ii	as a partnership (other than limited liability)	please complete section (B)
	iii	as an unincorporated association or	please complete section (B)

	iv	other (for example a statutory corporation)		please complete section (B)
c)		a recognised club		please complete section (B)
d)		a charity		please complete section (B)
e)		the proprietor of an educational establishment		please complete section (B)
f)		a health service body		please complete section (B)
g)		a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales		please complete section (B)
ga)		a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England		please complete section (B)
h)		the chief officer of police of a police force in England and Wales		please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- 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 or
- a function discharged by virtue of Her Majesty's prerogative

(A) individual applicants (fill in as applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 15 for information)

Second individual applicant (if applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth or over		I am 18 years old		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service: (please see note 15 for information)					

(B) Other applicants

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

Name: Fox Trading And Events Ltd

Address: 31 Royal Scot Road, Derby, DE24 8AJ
Registered number: 14828932
Description of applicant: Limited Company
Telephone number (if any) [REDACTED]
E-mail address (optional) info@foxvintagewholesale.co.uk

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please give a general description of the premises (please read guidance note 1)

A family friendly weekend Vintage Clothing & Music Festival called set in two fields located in Bakewell, Derbyshire on a farm with plenty of access points. Field one will be for parking, camping & licensable activities. Field 2 will be used for licensable activities also.

This will be taking place over three days each year in the month of July

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

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)	Please tick all that apply
--------------------------------------------------------------------	----------------------------

a)	plays (if ticking yes, fill in box A)	
b)	films (if ticking yes, fill in box B)	
c)	indoor sporting events (if ticking yes, fill in box C)	
d)	boxing or wrestling entertainment (if ticking yes, fill in box D)	
e)	live music (if ticking yes, fill in box E)	X
f)	recorded music (if ticking yes, fill in box F)	X
g)	performances of dance (if ticking yes, fill in box G)	X
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	X

<u>Provision of late night refreshment</u> (if ticking yes, fill in box I)	X
<u>Supply of alcohol</u> (if ticking yes, fill in box J)	X

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				<u>Please give further details here</u> (please read guidance note 4)	Both
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
				Outdoors	
Day	Start	Finish		Both	
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 5)
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				Both	
			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
				Both	X
Mon			Please give further details here (please read guidance note 4) Bands and DJ's played on outdoor stages with PA sound systems as well as DJ performances in marquee tents Live music to end at 11:00pm		
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur					
Fri	12:00	23:00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	12:00	23:00			
Sun	12:00	16:00			

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
				Both	X
Mon			Please give further details here (please read guidance note 4) Recorded DJ sets to be played inside a marquee tent		
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur					
Fri	12:00	00:00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	00:00	03:00			
	12:00	00:00			
Sun	00:00	03:00			
	12:00	16:00			

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
					Both
Mon			Please give further details here (please read guidance note 4) Background dancers on stage alongside music acts as well as dance entertainment		
Tue					
Wed					
Thur					
Fri					
	12:00	23:00	Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
	12:00	23:00			
Sun					
	12:00	16:00			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing Magician, face painting, general entertainment		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Mon				Outdoors	
				Both	X
Tue			Please give further details here (please read guidance note 4) Magician, face painting, general entertainment, fun fair rides		
Wed			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Thur					
Fri	12:00	23:00	Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	12:00	23:00			
Sun	12:00	16:00			

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
				Outdoors	
Day	Start	Finish		Both	X
Mon			<u>Please give further details here</u> (please read guidance note 4) Refreshments such as hot drinks, soft drinks and hot and cold food may be served via food vans during these times		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur					
Fri	23:00	00:00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	00:00	02:00			
	23:00	00:00			
Sun	00:00	02:00			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	
Day	Start	Finish		Off the premises	
				Both	X
Mon			State any seasonal variations for the supply of alcohol (please read guidance note 5) Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Tue					
Wed					
Thur					
Fri	12:00	00:00			
Sat	00:00	03:00			
	12:00	00:00			
Sun	00:00	03:00			
	12:00	16:00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	Roxie Webster
Date of birth	██████████
Address	████████████████████ ████████████████████ ████████████████████
Postcode	██████████
Personal licence number: 23/00285/PELIC	

Issuing licensing authority: Amber Valley Borough Council

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

Comedy acts – Parental supervision may be required
 Rides – Parental supervision may be required

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon			<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)</p> <p>The festival is a 24 hour camping festival, therefore, guests will have access to come and go with security on site at all times.</p>
Tue			
Wed			
Thur			
Fri	10:00		
Sat			

Sun		16:00	

M

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

We intend to provide a full safety management plan three months prior to the event.

All 4 licensing objectives have been read and understood. We will ensure there are sufficient and competent staff on the premises at all time. All staff will be given full training in all 4 licensing objectives and there will be site wide security to reinforce these.

b) The prevention of crime and disorder

Any incidents of crime will be reported to the police. There will be supervisors and a team of security on site at all times including entrance security who will be checking personal belongings to ensure no illegal substances or glass is taken on site. Amnesty bins will be available for the disposal of said items. No glass will be allowed on site, all alcohol is to be served in plastic cups only. Any persons deemed to be threat or partake in criminal activity will not be permitted on site. Crime prevention notices will be displayed around the site.

c) Public safety

A fire risk assessment will be carried out with fire safety measures in place including fire extinguishers, fire blankets, illuminated fire exit signs for indoor areas a long with smoke detectors and emergency lighting. All appliances will be inspected annually. All measures of premises to meet appropriate safety measures, providing full unobstructed access for emergency vehicles and emergency exits. A first aid area will be available on site at all times during the duration of the event with a team of trained first aiders. Public liability insurance needs to be met.

d) The prevention of public nuisance

A noise management plan will be devised, noise levels will be monitored accordingly. A litter management plan will be devised including designated waste disposable areas and a waste collection plan is in place. Playing of live or recorded music outside of designated areas will not be permitted. External lighting will be directed away from occupiers. Notices will be displayed asking customers to keep noise levels to a minimum when exiting the event site.

e) The protection of children from harm

Alcohol is not permitted to anyone under the age of 18. Proof of age policy will be in place with the licensee and staff will ask persons who appear to be under the age of 25 for photographic I.D bearing the photograph and date of birth bearer as evidence. Entertainment on site which is of an adult nature will only be available to children with adult supervision. Parents will be requested to ensure that children under 18 are supervised at all times.

Checklist:

Please tick to indicate agreement

•	I have made or enclosed payment of the fee.	
•	I have enclosed the plan of the premises.	X
•	I have sent copies of this application and the plan to responsible authorities and others where applicable.	
•	I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.	X
•	I understand that I must now advertise my application.	X
•	I understand that if I do not comply with the above requirements my application will be rejected.	X
•	[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).	


It is an offence, under Section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.

It is an offence under Section 24b of the Immigration Act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under section 15 of the Immigration, Asylum and Nationality Act 2006 and pursuant to Section 21 of the same act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating
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	<p>to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</p> <ul style="list-style-type: none"> The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	11/07/23
Capacity	Event organiser

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Premises Plan - Fox Fest June 2024



Key	Name	Measurements (Metres)
	Natural People Flow	
	Driving Lanes	
	Fence	1420.54
	Crowd Barrier	
	Security	
	Police	
	Steward	
	First Aid	
	Evacuation Point	
	Fire Extinguisher	
	Welcome Desk	
	Light Tower	
	Congress Areas (Various Shapes)	
	Ambulance	6.7 x 2.4
	Portaloos Area	1.5 x 1.5
	Clothing Vendors	3.5 x 3.5
	Food Vendors	3.5 x 3.5
	Alcohol	Variable
	Main Stage	10 x 7
	Small Stage	7 x 5
	Music Marquee	12 x 10
	Dance Marquee	10 x 8
	Arts & Crafts Marquee	8 x 7

Field 1	Main Entry & Parking	8 Acres
Field 2	Event Field	8 Acres
Field 3	Additional Parking	4.5 Acres

Kenslow Farm, Bakewel, DE45 1LY

Additional Measures agreed by the Police with the Applicant

General: additional

The Event Organisers will provide a full Event Management Plan to accompany the initial Licence application. Further to this, the Organisers will provide an Event Management Plan on an annual basis, a draft will be submitted three months prior to the event.

Crime and disorder

Access to the event is strictly limited to members of the public who have purchased a ticket via the event website.

An incident log shall be maintained to record any activity of a violent, criminal, anti-social nature or a refusal of alcohol sales. The record will contain the time and date, the nature of the incident, the people involved, the action taken and the details of the person responsible at the time of the incident. The incident log shall be available for inspection at all reasonable times by an authorised officer relevant responsible authority and / or police officer. The records will be retained for at least 12 months.

The premises licence holder or nominated person shall provide a written drugs policy detailing the actions to be undertaken to minimise the opportunity to use or supply illegal substances within the premises. To be further elaborated on in the event management plan.

The premises licence holder or nominated person shall ensure that a clearly visible notice is displayed advising those attending, that police will be informed if anyone is found in the possession of controlled substances or weapons.

A qualified SIA trained security and stewarding company will be employed for the event. The event organisers and contracted security company will work together to determine appropriate number of staff for each event and will be included in the EMP for each event.

Any incidents of crime will be reported to the police. There will be supervisors and a team of security on site at all times including entrance security who will be checking personal belongings to ensure no illegal substances, glass or any prohibited items such as knives fireworks flares etc are taken on site. Amnesty bins will be available for the disposal of said items and will remain on site. No glass will be allowed on site, all alcohol is to be served in plastic cups only. Any persons deemed to be threat or partake in criminal activity will not be permitted on site. Crime prevention notices will be displayed around the site.

Protection of children from harm

Any persons under 18 are excluded from any entertainment of an adult nature. Parents will be requested to ensure that children under 18 are supervised at all times.

Wristbands will be distinguishable to identify ticket holders including underage persons.

DBS checks for staff and specifically those working with children will be undertaken.

A challenge 25 policy will be employed where those individuals who appear to be under the age of 25 attempting to purchase alcohol must be asked for identification. The only type of ID that will be accepted is PASS accredited ID, passport or photo driving licence.

Clear and proportionate signage in relation to the Challenge 25 Scheme shall be displayed in prominent positions (i.e. at entrances/exits and points of sale).

The licence holder/DPS will ensure that all bar staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol.

A Refusals system shall be in place (till prompt or book) and be monitored by the DPS and to be made available to an authorised officer of the local authority on request.

Public safety

At all times, the Event Organisers will maintain a strict count of the number of attendees on site at one time and will be able to produce this number upon request by any of the Relevant Persons.

A copy of the Event Management Plan will be available for inspection upon request at any time 28 days prior to the Event and any time during the Event by any relevant persons.

The licence holder will ensure that all staff receive appropriate training about emergency and general safety precautions and procedures.

Shaw, Tommy

From: Tierney, Eileen
Sent: 22 September 2023 15:58
To: Tierney, Eileen
Subject: Objection to New Premises Licence Application - Fox Festival - Kenslow Farm, Middleton by Youlgrave, DE45 1LY

From: Cowley, David <David.Cowley@derbyshiredales.gov.uk>
Sent: 05 September 2023 09:41
To: Licensing Inbox <LicensingInbox@derbyshiredales.gov.uk>;
Cc: Tierney, Eileen <eileen.tierney@derbyshiredales.gov.uk>
Subject: RE: New Premises Licence Application - Fox Festival - Kenslow Farm, Middleton by Youlgrave, DE45 1LY

Dear Licensing,

The Environmental Health Service is a responsible authority under the Health and Safety at Work etc, Act 1974 in terms of Public Safety, and Environmental Protection Act 1990 in terms of Public Nuisance. As a responsible authority we have not previously known of this application prior to the 11 August 2023. This was when the service received notification from the Licensing Service for this Application.

After reviewing the application details, we are OBJECTING to this application in terms of Public Safety and Public Nuisance. The application is too basic for this type of application, given the Application will allow a capacity of 4,999/ 5,000 people. I have reviewed the ESMP Event Safety Management Plan, and application form and site plan and all documents are not sufficient generally.

The following matters are of concern:

1. The plan attached to the application is basic. A scaled plan detailing the location in context and a scaled plan of the arena public areas in detail is needed. Without this detail we cannot really consider this application in detail.
2. Size of the venue – the application makes no reference to the size of the venue 1 acre / 2 acres 20 acres the size is not defined. The Licenced area should be detailed sufficiently on the plan detailing the size, and location, and parameters of Licensable Activities.
3. Evacuation and people movements – the applicant must demonstrate that people can move around the site safely during normal operating activities and in event of emergency. The ESMP and Site Plan are not sufficient to demonstrate this.
4. Stage locations and other infrastructure locations and orientation are defined in context.
5. Parking arrangements are not clear
6. Basically, the ESMP is not sufficient and is really basic for an event hosting 4,999 / 5000 people.

The Environmental Health service have no idea whether this applicant is competent to organise an event for this capacity within a rural location. We have not received any details of previous event activities which are Licensable whether under a TEN or Premises Licence. The ESMP does not confirm who is responsible for Health and Safety and / or Public Safety and whether they are competent.

Key contractors are not confirmed which is concerning. In terms of public safety the applicant must demonstrate further competence. Environmental Health will be proposing conditions for

members to consider in terms of Public Safety. In terms of the Licensable Area Plan, the Plan for this application is not suitable for this application generally.

The Environmental Health service is also concerned with the arrangements for preventing a Public Nuisance. The location is already used for 2 other public events 1 CEX which is not Licensable and Rosa Festival. The Noise Management plan appears to be insufficient for back to back events. Therefore Environmental Health will be proposing conditions for member consideration.

1. An updated scaled plan of the event arena / wider access and egress movements around the site, must be submitted to Environmental Health – 6 months prior to any event. (to prevent a public nuisance and to determine the public safety risk).

(As confirmed the plan submitted within the application is not sufficient to be attached to any Premises Licence application as too variable etc)

2. The Event must not occur within 48 days of any other Licensable Activity or other type of Large Gathering of a similar nature on the site. (to prevent a public nuisance)
3. Only one event will be permitted, annually, to take place over a maximum of 3 days. (to prevent a public nuisance)
4. Each year the Licence Holder will give each responsible authority a copy of the ESMP (Event Safety Management Plan) with a least 4 months' notice (Public Safety Matter)
5. The ESMP will include, but will not be limited to the following: Prevention of Crime and Disorder / Crowd Management / Security (Including Ejection Policy and Searching) / emergency evacuation / plans / First Aid / Fire Safety / Noise Management Plan / Traffic and Parking Planning / Adverse Weather Plan / Water Management Plan / Drugs Policy. (Public Safety Matter)
6. A final copy of the ESMP must be submitted to all Responsible Authorities 28 days prior to an event (Public Safety Matter)
7. The layout of the site shall be captured within a scaled plan which is communicated to all responsible authorities. Any final plan must be submitted with the final ESMP 28 days prior to an event. The site plan will have due regard to industry safety guidance such as the Purple Guide on such matters ensuring suitable segregation of activities and shall include but not limited to: On-site camping / car-parking / main arena and attractions / concessions / staging and structures / plant and equipment / crowd dynamics / artist and staff volunteer facilities / / general access and egress including clearways and sterile areas for emergency vehicles / emergency meeting points and control room / welfare facilities (showers and toilets) the plan will be to scale and in sufficient detail. (To prevent a Public Nuisance and Public Safety Matter)
8. Prior to any event the Licence Holder will make contact with all local residents within 2 miles to inform them of this event 2 months prior to any event, in writing. Including contact information for the Event Organiser, and confirmation that if they experience Noise Nuisance this should be reported to the Council Environmental Health. If the Organiser receives any concerns about noise nuisance from a local resident at any time this must be reported to the Council Environmental Health. (To prevent a Public Nuisance)
9. The entire area must be within a secured fenced area, namely camping / arena concessions and welfare arrangements. If vehicles are located in an unsecure area any

member of the public returning to their vehicle must be checked / searched before re-entering the site. (Public Safety)

10. The Licence Holder will provide a contact number for Responsible Authorities which is answered during the Event. The Licence Holder will provide a contact number for Local residents reporting any concerns during the event regarding Public Safety or Public Nuisance. These phone lines will be contactable 24 hours while ever Licensable activities are occurring. The number will be publishable by the Council for Local Residents. (Public Safety and to prevent a Public Nuisance)
11. Noise will not be audible from the site, at the nearest residential premises after 18:00 on days used for preparing / closing down the event. (to prevent a public nuisance)
12. A noise management plan will be submitted to the Environmental Health Service 6 months prior to any event. (to prevent a public nuisance)
13. A competent trained person shall be employed to oversee Health and Safety of the Activities. They will also have the Authority to override the Event Organiser / Licence Holders in situations of public safety. The details for this person shall be notified to all Responsible Authorities 28 days prior to any event. (Public Safety)

Given the current Application and details provided the Environmental Health service cannot support this Application, and therefore Formally Object. The Application has not demonstrated suitable arrangements for an event of this nature. The Environmental Health service are also concerned that no prior notification of this Application was made to the Responsible Authority. We have therefore considered the application on the information we have received.

Unless the application is significantly improved with a detailed plan, and further development of the ESMP and associated documentation we will not be withdrawing our Objection. If the members feel this application should be granted then due consideration should be given to all the points listed above as Public Safety at large events is paramount, and lots of fundamental gaps are noted within the application.

If you require further information please don't hesitate to contact Environmental Health

Kind regards

David Cowley
Principal Environmental Health Officer (Commercial)



Derbyshire Dales District Council
Town Hall
Matlock
Derbyshire
DE4 3NN

Tel: 01629 761249
Email: david.cowley@derbyshiredales.gov.uk

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Shaw, Tommy

From: Tierney, Eileen
Sent: 22 September 2023 15:15
To: Tierney, Eileen
Subject: Objection to application for premises license for fox festival

From: davidrenwick123
Sent: 07 September 2023 21:27
To: Licensing Inbox <LicensingInbox@derbyshiredales.gov.uk>
Subject: Objection to application for premises license for fox festival

Warning External

I am contacting you to raise concerns that we have another festival applying for a premises license at Kenslow farm.

We already have 2 music festivals taking place in July, Rosa and cex, the later being private and not licensed, if fox festival is licensed this will mean 3 festivals in 5 weeks.

With 2 festivals already ongoing I will list some of the problems already experienced .

Firstly cex which has been running for a number of years, the music this year did not cease till 4.15am on the monday morning, our house is 2 fields away and the noise level was unacceptable for any sleep to be obtained.

Rosa festival came and set up with no prior notification, This was held over 3 days finishing at 3.am every day, this music was so loud you could feel the vibrations in your chest, impossible to obtain any sleep. As this event were charging to park we had vehicles trying to park near our house and other gateways blocking access, when we went to complain to organizes no help was offered only told we could tow them away. We had gates left open and livestock let onto road and at the end of festival they tried to leave rubbish on access road and we had to tell them to move it.

The application for fox festival is for up to 5000 people which is much larger than other events, from viewing the site plan i cannot believe that these 2 fields can accomodate that many people. Also access road is shared by 3 farms and must be unobstructed at all times to allow us to run our farm business.

We also have concerns about the public footpath that runs diagonally across the site , what provisions are being made for public using this path.

With all these events happening licenced and unlicenced it is becoming a public nuisance , with traffic problems and mud on road etc.

We do not want to spoil peoples fun but event after event is getting to be a problem .

Many thanks David Renwick

Shaw, Tommy

From: Tierney, Eileen
Sent: 22 September 2023 15:48
To: Tierney, Eileen
Subject: FW: Objection to application for a premises licence for Fox Festival

From: JNoon
Sent: 07 September 2023 22:28
To: Licensing Inbox <LicensingInbox@derbyshiredales.gov.uk>
Subject: Objection to application for a premises licence for Fox Festival

Warning External

Attention Eileen Tierney Licensing Manager

We feel this event should not take place as this year 2 Festival Events have taken place Rosa Festival and Cex on the same site both for three days with not long between each event June / July. We had no idea about either event until the week before when they started setting up.

The CEX festival had music playing until around 4 in the morning we did not complain to the environmental health as we were told somebody decided to start up the music again and it would not happen again.

Access to the proposed site is down a track not a driveway, which is used by other landowners to access there land which could cause problems moving livestock and machinery.

Also are you aware there is a Public Footpath going across the proposed site.

Kind regards
Mrs Noon

LICENSING & APPEALS COMMITTEE PROCEDURE (Except Employment)

- (1) Introduction by the Chair explaining that the process is not an adversarial one and all comments should be directed through the Chair.
- (2) Report of the Licensing Manager.
- (3) Questions for the Licensing Manager from the Committee.
- (4) Any clarification required from the Licensing Manager from the Objectors.
- (5) Any questions for the Licensing Manager from the Applicant.
- (5) Statements from the Objectors.
- (6) The Committee, the Licensing Manager and the Applicant (through the Chair) will have an opportunity to ask questions of each speaker.
- (7) Statement from the Applicant, including any Witnesses.
- (8) Questions to the Applicant or his/her Witnesses by the Committee.
- (9) Questions to the Applicant or his/her Witnesses by the Licensing Manager.
- (10) The Chair will ask the Objectors whether they require any clarification of the Applicant's evidence.
- (11) Any further questions by the Committee, its Clerk, the Applicant or the Licensing Manager.
- (12) Summing up by the Licensing Manager.
- (13) Summing up by the Applicant.
- (14) The Chair will ask all parties whether they need clarification of any points.
- (15) The Committee will withdraw to make its decision.
- (16) The Committee will deliberate in private, only recalling the Council's Representative and the Applicant or their Representative to clarify evidence already given. If recall is necessary, both parties must be given the opportunity to return, even though only one party is concerned with the point giving rise to doubt.
- (17) The Advisor may be called upon during the private deliberation to advise the Sub-Committee Members.
- (18) At the end of the proceedings, the Chair of the Sub-Committee will inform the parties of the decision. This will be confirmed, in writing within seven days.

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