



## OPEN REPORT LICENSING AND APPEALS SUB-COMMITTEE

Licensing and Appeals Sub-Committee – 27 March 2024

### Licensing Act 2003 - Application for New Premises Licence The Lightweight Adventure Festival – Tideswell Moor Buxton SK17 8JD

#### Report of Director of Regulatory Services

#### Report Author and Contact Details

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#### Wards Affected

Tideswell

#### Report Summary

This report informs the Committee of an application made under section 17 of the Licensing Act 2003, by The Lightweight Adventurers Ltd, for a Premises Licence, to allow films, the sale of alcohol, provide regulated entertainment and late-night refreshment at an annual event, called the Lightweight Adventure Festival, during July at Tideswell Moor, Tideswell, Nr Buxton

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 3 residents. The objections have been made on the grounds that the prevention of public nuisance licensing objective, would be undermined if the licence was granted.

#### Recommendations

That the application for a Premises Licence, made by The Lightweight Adventure Ltd, to allow licensable activities to take place at an event known as The Lightweight Adventure Festival, at Tideswell Moor, Tideswell, Nr Buxton, be determined.

#### List of Appendices

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

#### Background Papers

None

#### Consideration of report by Council or other committee

No

## Council Approval Required

No

## Exempt from Press or Public

No

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### 1 The Application

#### 1.1 The Licensable Activities

On 6<sup>th</sup> February 2024, an application was received from Lightweight Adventures Ltd. The application is for a Premises Licence, to allow films, the sale of alcohol, provide regulated entertainment and late-night refreshment at an annual event during July (to be known as The Lightweight Adventure Festival) at Tideswell Moor, Tideswell, Buxton.

- 1.2 The application seeks to licence the site to permit one 3-day event annually (in July) with no more than 850 people in 2024, but with a desire to grow the event in future years.

The proposed licensable activities are:

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

- 4.00pm and 11.00pm Thursday
- 12 Noon and Midnight on Friday/Saturday
- 2.00 pm and 10.00pm on Sunday.

**provision of live music** for the hours of:

- 2.00pm and Midnight on Friday and Saturday
- 2.00pm and 6.00pm on Sunday.

(Live music will be played by the musicians across the site. Until 6.00pm this will be predominantly solo acoustic artists with no/minimal amplification.

In the evenings (between 6.00pm and 11.00pm) musicians will be playing on the stages in the marquee with amplified music).

**provision of recorded music** between the hours of:

- 09.00am and Midnight on Friday and Saturday
- 09.00am and 6.00pm on Sunday

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

- 11.00pm and 00.30am on Friday and Saturday (the following morning)

**films between the hours of:**

- 9.00 am and 22.00pm on Friday and Saturday
- 9.00am and 4.00pm on Sunday

**Site opening times:**

The site will be open 4.00pm to 11.00pm on the Thursday for staff, volunteers, speakers, exhibitors, and VIP guests with the event opening to ticket holders on Friday. The site will be open Friday and Saturday from 07.00am to Midnight and from 7.00am to 10.00pm on the Sunday. Attendees will be camping onsite in separate fields.

- 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 any 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.

Lightweight Adventures Ltd have produced the first draft of the ESMP which is currently being considered by the Responsible Authorities and other members of the Derbyshire Event Safety Advisory Group (DESAG). Updated versions of the ESMP will be supplied at regular intervals as required.

A copy of the full application and site plan are included in **Appendix 1** for information.

#### 1.5 Advertising the Application

The legislation requires that the application is served on all 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 Monday 4<sup>th</sup> March 2024.

#### 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 A schedule of the mandatory licensing conditions and conditions consistent with the measures proposed by the applicant (see Section M of the Application) is produced in **Appendix 2** for the Committee’s consideration.

## 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)	No objection.
DDDC Environmental Health Public Health Team (Noise Pollution)	“...Having read the information submitted by the applicant and from the information previously obtained from a joint meeting with the applicant and other agencies, I do not have any objections to the premises ...”
DDDC Environmental Health – Commercial Team (Health & Safety).	No response.
Derbyshire Fire & Rescue Service (Buxton)	No response.
DDDC Planning Authority	No response.
Derbyshire County Council Trading Standards	No response.
Derbyshire County Council’s Children’s Services - Safeguarding	“There are no objections to the above application from a child safeguarding perspective...”
Derbyshire County Council Public Health	No response.
DDDC – Licensing Authority	No response required.

### 1.11.2 Other Persons

During the consultation period, 3 representations in respect of the application were received from 4 households.

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

The representations are produced in **Appendix 3**, 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, John Bointon and Laura Mellstrom.
- 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 4, for information.
- 2.4 In determining the application for a premises licence the Sub-Committee will consider 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.