



**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**

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**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

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### 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 8<sup>th</sup> 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 <b>Appendix 3</b> of the report. **
DDDC Environmental Health – Commercial Team (Health & Safety).	Objection. See <b>Appendix 3</b> 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.