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Licensing & Appeals Sub-Committee

Minutes of a Licensing & Appeals Sub-Committee meeting held at 10.30 am on Monday, 2nd October, 2023 in the Committee Room, Town Hall, Matlock DE4 3NN.

PRESENT

Councillor Steve Wain - In the Chair

Councillors: Peter Dobbs and Joanne Linthwaite

Kerry France (Legal Services Manager)
Eileen Tierney (Licensing Manager)
Lucy Harrison (Democratic Services Assistant)
Tommy Shaw (Democratic Services Team Leader)

The Applicant and their Representative.

Persons making Representation:
Amanda Goodwill (Environmental Health Manger)
David Cowley (Principal Environment Health Officer)
Matthew Hulley (Environmental Health Officer)

Press and Public

APOLOGIES

Apologies were received from Councillor(s): Marilyn Franks and Lucy Peacock

1/23 - ELECTION OF A CHAIRMAN

It was moved by Councillor Peter Dobbs, seconded by Councillor Joanne Linthwaite and

RESOLVED (Unanimously)

That Councillor Steve Wain be elected as Chair of the Committee.

The Chair declared the motion **CARRIED**.

2/23 - INTERESTS

There were no declarations of interest.

3/23 - LICENSING ACT 2003 - APPLICATION FOR NEW PREMISES LICENCE - FOX FESTIVAL SITE, KENSLOW FARM, MIDDLETON-BY-YOULGRAVE, DE4 1LY

It was reported that, in accordance with the Council's Licensing procedures, an application had been received for a Premises Licence for a 3-day vintage and music festival to take place at Kenslow Farm, Middleton-by-Youlgrave.

The circumstances of the Applicant's referral to the Sub-Committee were as a result of objections being made to the application by the Environmental Health Manager and two Local Residents. As these objections could not be resolved to the satisfaction of all parties by the Licensing Manager, the matter was referred to the Sub-Committee.

The Chair invited the participants to introduce themselves, asked whether any party wished the Sub-Committee to consider the application in private and confirmed that the Sub-Committee was quorate.

The Licensing Manager gave an outline of the application.

The Sub-Committee and other parties were afforded an opportunity to request clarification of the Licensing Manager's report.

Ms Amanda Goodwill (Environmental Health Manager) was invited to put forward the Environmental Health Service case.

The Sub-Committee had an opportunity to question the Environmental Health Manager and Officers. The Applicant was also afforded the opportunity to request clarification of any points raised by Environmental Health.

The Applicant, Ms Roxie Webster, then presented the case for Fox Festival. The Sub-Committee also heard representations from the Applicants witness, Mr Stephen Hawkins.

The Sub-Committee had an opportunity to question the Applicant and their witness. The Environmental Health Service was also afforded the opportunity to request clarification of any points raised by the Applicant.

All parties were afforded an opportunity to request clarification of any points.

The Sub-Committee members confirmed that they had sufficient information to make a decision and withdrew into private session to discuss their findings.

4/23 - DECISION

It was moved by Councillor Peter Dobbs, seconded by Councillor Joanne Linthwaite and

RESOLVED (Unanimously)

That having considered all the evidence put before it, the Sub-Committee had determined that the Applicant will be granted the premises licence, subject to the following conditions:

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 28 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. 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)

4. 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)

5. A final copy of the ESMP must be submitted to all Responsible Authorities 28 days prior to an event (Public Safety Matter)

6. 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)

7. 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)

8. 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)

9. 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)

10. 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)

11. A noise management plan will be submitted to the Environmental Health Service 6 months prior to any event. (to prevent a public nuisance)

12. A competent trained person shall be employed to oversee Health and Safety of the Activities. They will also have the Authority to overrule 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)

13. That the hours for the provision of live and recorded music and associated entertainment and the sale of alcohol be revised to finish at 1:00am.

The Chair declared the motion **CARRIED**.

Reason for Decision

The reasons for the decision are included within the associated decision notice.

Chairman

Meeting Closed: 1.14 pm