

DERBYSHIRE DALES DISTRICT COUNCIL
LICENSING & APPEALS SUB-COMMITTEE
Minute Item 394/23

DECISION

Licensing Act 2003

**Hearing held on Wednesday, 27th March, 2024
in the
Committee Room, Town Hall, Matlock DE4 3NN**

Full name of Applicant: The Lightweight Adventurers Ltd

Premises Address The Lightweight Adventure Festival
Tideswell Moor Buxton SK17 8JD

Application A New Premises Licence

On 6th February 2024, an application was received from The Lightweight Adventurers 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.

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.

Members of the Sub Committee Councillor Joanne Linthwaite - In the Chair
Councillor: John Bointon
Councillor: Laura Mellstrom

Legal Advisor Kerry France Solicitor

Officers in Attendance Eileen Tierney Licensing Manager
Grace Dowson Licensing Manager
Lucy Harrison Democratic Services Assistant

Date of Decision 27th March 2024

Reason for attendance at the Sub Committee:

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.

Recommendation

That the application for a Premises Licence, made by The Lightweight Adventurers 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.

Applicant and their Representations:

Marc Deri
Jim Evan
Jamie Thoms

Persons making Representations

Wendy Mycock
Michael David Critchlow
Susan Clark
Suzanne Bettney (Witness)
Anthony Burton (Witness)
Professor Gary Critchlow (Witness)
A Bettney (Witness)
M Robinson (Witness)
Angela Goodwin (Witness)
Pauline Salt (Witness)
Stephen Ferris (Witness)

Public

The meeting was conducted in public, with the agreement of all parties.

The Sub-Committee withdrew into private session to consider its decision and were advised by the Sub-Committee's legal representative that only evidence relevant to the four Licensing objectives could be taken into consideration and that it was important that any conditions attached to a Licence should be to promote the Licensing objectives.

Decision

That having considered all the evidence put before it, the Sub-Committee determined that the Applicant should be granted the Premises Licence.

The Sub-Committee feel that the Schedule of Mandatory and Volunteered Licence Conditions promote the four licensing objections with the addition of the following conditions:

1. There will be no BBQs, fire pits or similar open fire sources on site.
2. There will be no recorded music before 11:00am.

3. There will be no amplified music after 11:00pm.
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Reasons

In reaching its decision the Sub-Committee had regard to

- The licensing objectives,
 - The prevention of Crime and Disorder
 - Public Safety
 - The protection of Children from harm
 - The prevention of public nuisance.
- The Council's statement of licensing policy,
- The Statutory Guidance issued under section 182 of the Licensing Act 2003
- The Application for a Licence
- The Report by the Licensing Manager
- Both the written and oral representations made to the Sub-Committee by
 - Other Party Representations
 - The Applicant

The Sub-Committee considered the report and comments made by the Licensing Manager including details of the application 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 by The Lightweight Adventurers Ltd.

That having considered all the evidence put before it, the Sub-Committee determined that the licence application before it was granted subject to the following comments and amendments.

Prevention of Crime and Disorder

The Committee has no concerns. However, with no sight of the ESMP we are unable to satisfy ourselves in the detail of the site security arrangements and rely on DSAG to make the final decision to ensure the arrangements are adequate.

Public Safety

The Committee has no concerns regarding the public safety on site. However, we have concerns regarding the use of surrounding areas during and after the event.

For Example, the use of green lanes and the potential conflict with other lane users such as walkers, horse riders and cyclists. We are pleased to note the applicants focus on safety workshops and providing education on safe use of green lanes and the consideration of other countryside users such as walkers, horse riders and cyclists, which will promote the licensing objective.

We would like to add the following condition to the licence: there are to be no BBQs, fire pits or similar open fire sources on site. This is in consideration of the local residents and farmers concerns for the proximity of hay fields.

Protection of Children from Harm

The Committee has no concerns and the proposed conditions and policies set in the Operational Schedule appear to address this licensing objective. We note there has been no concerns raised.

Public Nuisance

In order to promote the licensing objective of prevention of public nuisance we amend the following conditions:

There will be no recorded music before 11am

There will be no amplified music after 11pm

The Committee notes and shares resident's concerns regarding the welfare of farm, domestic and wild animals. However, this does not form part of the four licensing objectives upon which we are able to determine this application.

The Committee also welcomes the willingness of the applicant to meet with local residents in order to address their concerns regarding litter and road management.

In all the circumstances and taking into account the 4 Licensing Objectives which are key and paramount, on the evidence before them the Sub-Committee feel this decision is appropriate and proportional to ensure the Premise Application can be granted whilst promoting the Licensing Objectives.

Date of decision: 27th March 2024

Councillor Joanne Linthwaite
Chair
Licensing & Appeals Sub-Committee

There is a right of appeal to the Magistrates Court against the decision of the licensing authority.

Such right of appeal must be exercised within 21 days of receipt of this notice.

How to appeal

You should appeal in writing to the designated officer for the magistrates' court in the area where the premises is situated.

In Derbyshire this is usually:

North East Derbyshire & Dales Magistrates Court

Chesterfield magistrates court,
Chesterfield Justice Centre
Tapton Lane
Chesterfield
S41 7TW

or

Southern Derbyshire Magistrates Court

The Court House
St Mary's Gate
Derby
DE1 3JR

You must make your appeal within 21 days of being formally told of the Licensing Committees' decision in writing.

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