

REPORT OF THE HEAD OF ENVIRONMENTAL SERVICES

**DETERMINATION OF A PREMISES LICENCE APPLICATION FOR
'SUNSET FESTIVAL' AT EAST PIDSLEY FARM, SANDFORD**

REASON FOR REPORT

1. An application has been received for a time-limited premises licence for an event known as 'Sunset Festival' at East Pidsley Farm, Sandford. Relevant representations have been received. Accordingly, Mid Devon District Council as the licensing authority is obliged to hold a hearing to determine the application.

RECOMMENDATIONS

1. That this application is decided in accordance with the licensing objectives

RELATIONSHIP TO CORPORATE PLAN

1. None

FINANCIAL, LEGAL AND RISK ASSESSMENT IMPLICATIONS

Any financial, legal and/or risk assessment implications are set out below:

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|------------------------|--|
| Financial | If there is an appeal against the decision the Council could find itself bearing the costs |
| Legal | If the decision is not lawful the Council could find itself subject to appeal or judicial review |
| Risk Assessment | If the decision is not reasonably and lawfully made it could be overturned on appeal to the Magistrates' Court |

CONSULTATION CARRIED OUT WITH:

1. The process of applying for these licences is prescribed by regulations made under the Licensing Act 2003. The applicant must copy their applications to the “Responsible Authorities” consisting of the Police, Fire Service, Weights and Measures, body responsible for Health and Safety (Environmental Health), Environmental Health for nuisance, the Planning Authority, the Licensing Authority, the Primary Care Trust and the body responsible for Child Protection. If the application is submitted online the Licensing Authority must forward it to all Responsible Authorities.
2. This Council notifies the relevant town or parish council for where the event is.
3. Applicants are also obliged to advertise their applications in two ways – on the premises so as to be visible to passers-by and in a local newspaper.

***Please be aware: There are a number of Annexes to this report. In light of the amount of paperwork involved they are NOT attached in hard form. They are instead available on the Mid Devon District Council Website - <http://www.middevon.gov.uk/index.aspx?articleid=5482> . A complete list of all Annexes is at the end of this report.**

1.0 EVENT AND ITS HISTORY

- 1.1 Sunset Festival is an event that has taken place at East Pidsley Farm, Sandford, on two previous occasions. These events were held; 24 August – 27 August 2012 and 29 August – 2 September 2013. Both events were held under a Temporary Event Notice (TEN) which means they were limited to 499 people, including staff and performers.

2.0 APPLICATION

- 2.1 The current application is for Sunset Festival 2014 which is to be held on the same site. The application is for a time-limited premises licence to run 28 August – 1 September 2014.
- 2.2 The following has been applied for (start and finish times run through to the following day):

| Activity | Date | Start Time | Finish Time |
|---|--------------------|------------|-------------|
| Live music (indoors & outdoors) | Thursday 28 August | 18:00 | 23:00 |
| | Friday 29 August | 10:00 | 23:00 |
| | Friday 29 August | 23:00* | 01:00* |
| | Saturday 30 August | 10:00 | 23:00 |
| | Saturday 30 August | 23:00* | 02:00* |
| | Sunday 31 August | 10:00 | 23:00 |
| | Monday 1 September | 10:00 | 20:00 |
| * Subject to night time volume limits (see ‘Sound Management Plan’ for proposed levels) | | | |
| Recorded music (Indoors & outdoors) | Thursday 28 August | 18:00 | 23:00 |
| | Friday 29 August | 10:00 | 23:00 |
| | Friday 29 August | 23:00* | 10:00* |
| | Saturday 30 August | 10:00 | 23:00 |

| | Saturday 30 August | 23:00* | 10:00* |
|--|---|------------|-------------|
| | Sunday 31 August | 10:00 | 23:00 |
| | Sunday 31 August | 23:00* | 10:00* |
| | Monday 1 September | 10:00 | 20:00 |
| | * Subject to night time volume limits (see 'Sound Management Plan' for proposed levels) | | |
| Activity | Date | Start Time | Finish Time |
| Late night refreshment (indoors & outdoors) | Thursday 28 August | 23:00 | 05:00 |
| | Friday 29 August | 23:00 | 05:00 |
| | Saturday 30 August | 23:00 | 05:00 |
| | Sunday 30 August | 23:00 | 05:00 |
| Supply of alcohol (consumption on the premises & camping area) | Thursday 28 August | 14:00 | 01:00 |
| | Friday 29 August | 10:00 | 04:00 |
| | Saturday 30 August | 10:00 | 04:00 |
| | Sunday 30 August | 10:00 | 04:00 |
| | Monday 1 September | 10:00 | 15:00 |
| Opening hours | Thursday 28 August | 12:00 | 24:00 |
| | Friday 29 August | 00:00 | 24:00 |
| | Saturday 30 August | 00:00 | 24:00 |
| | Sunday 30 August | 00:00 | 24:00 |
| | Monday 1 September | 00:00 | 23:00 |
| | Camping area open until 15:00 on Tuesday 2 September | | |

2.3 A full copy of the application is available as Annex 1.

2.4 Section M of the application form asks the applicant to describe the steps they intend to take to promote the four licensing objectives. The applicant has stated that 'The event organisers have produced a comprehensive Event Management Plan in support of this application detailing the measures in place, and steps to be taken to ensure compliance with all four licensing objectives'. This Event Management Plan is available as Annex 2.

2.5 The Event Management Plan states that no more than 1500 people will be allowed on site (including all patrons, crew, traders and artists).

3.0 LICENSING OBJECTIVES

3.1 As noted above, all applicants must state the steps they will take to promote the licensing objectives. The licensing objectives are:

- **The prevention of crime and disorder**
- **Public safety**
- **The prevention of public nuisance; and**
- **The protection of children from harm.**

3.2 The Event Management Plan submitted by the applicant provides details about the event and also seeks to address the steps they will take to promote the licensing objectives. **What follows is an extremely brief outline of what it covers.** Where

possible direct quotes have been used and document reference numbers (points) are provided:

The Prevention of Crime and Disorder

- 3.3 **Demographic** – The event is said to be family friendly, typically attracting a demographic ranging from 6 months to 65 + years of age. (Point 3.1)
- 3.4 **Security Provision** – ‘A local security firm of good repute have been engaged to provide security cover during the event, and have been consulted on to identify our requirements’. The duties of security staff are listed. (Point 3.3)
- 3.5 **Drugs Policy** – Individuals may be subject to random searches on entry and the festival will not tolerate illegal drugs. The drugs policy will be published on the event website. (Points 3.5 and 3.6)
- 3.6 **Stewarding** – The duties of stewards are listed. (Point 3.7)

Public Safety

- 3.7 **Site Suitability** – ‘The site is more than adequate for the festivals needs and requirements of the general public. Mains water is available and will be supplied via stand pipes. The ground is flat and relatively even in the areas that are being used for the main area and has good drainage in the event of adverse weather. Safe walkways will be established throughout camping and other areas’. (Point 4.1)
- 3.8 **Site Access and Exits** – They identify that a public footpath crosses the festival area. ‘Anecdotally, the footpath is very rarely used, but could enable unauthorised access to the camp-site, crew, and production areas. In order to mitigate these concerns, we are seeking a TTRO (Temporary Traffic Regulation Order) that would allow temporary closure of this footpath. (Point 4.2)
- 3.9 Details on build phase access, show time access and emergency exits are then provided. In reference to Emergency exits it is stated that ‘In designing the event layout attention was paid to the possible need for access to any part of the site. In this regard, if the Emergency Services would be aided by entering or exiting any one of the existing gates, this is viable’. (Point 4.2)
- 3.10 This section of the Event Management Plan is supplemented by the ‘Site and Area Plans’ which are available as Annex 3.
- 3.11 **Arrival of Patrons** – They propose to open the site from 12:00 on Thursday 28 June to allow a gradual build-up of numbers. (Point 4.3)
- 3.12 **Traffic Management Plan** – ‘We feel the implementation of a temporary one way system, running east to west along Pidsley Lane during the event and later stages of the build phase will be enough to ensure good traffic flow and ensure that emergency vehicles can access both the site, and surrounding areas’ (Point 4.4). Once again, this section is supplemented by the ‘Site and Area Plans’ available as Annex 3.
- 3.13 **Waste Management** – Regular refuse collections will be scheduled and a dedicated litter picking team shall be in operation throughout the event. There is a no glass policy on site but as a precaution glass only bins will be available so any glass found can be disposed of. (Point 4.8)

- 3.14 **Weather Contingencies** – ‘The festival arena itself has very good drainage, such that it would require a sustained period of wet weather in the weeks before the event, to render the site unusable’. (Point 4.10)
- 3.15 ‘Sufficient access points are available for Blue Light access to all areas of the site, even in the event that primary routes are compromised due to adverse weather’. If there were to be any severe weather warnings in force during the event or if management could not be confident of patrons / crew safety the event would be cancelled. (Point 4.10)

The Prevention of Public Nuisance

- 3.16 ‘In order to prevent public nuisance Sunset Festival will conduct an assessment of the potential sources of nuisance and will implement the following measures;
- Sound Management Plan
 - Traffic Management Plan
 - Waste Management Plan
 - Internal Communication
 - Complaints Procedure’. (Point 5.0)
- 3.17 **Sound Management Plan** – ‘The Sound Management Plan is currently being reviewed but is based upon the approved and successful Sound Management Plan from last year’ (Point 5.1). The Sound Management Plan is available as Annex 4.
- 3.18 It goes on to say:
- The show has amplified sound. Consideration will be given to the location of the systems on site in relation to the location of the surrounding properties.
 - Sound systems will be tested prior to the opening of the event in order to correct sound output levels and control any sound overspill.
 - Competent staff shall be made available to monitor potential sound overspill using measuring points close to boundaries of the nearest properties at scheduled times. (Point 5.1)
- 3.19 **Internal Communication** – ‘Internal communication is essential for the safe and effective management of the event. Communication during the event shall be via event radio and mobile phone network’. (Point 5.3)
- 3.20 **Complaints Procedure** – ‘Sunset Festival will notify the local residents in writing of an emergency contact number for the event organiser... The emergency contact number will connect to a dedicated complaints line which will be in operation and adequately staffed at all times during the event’. (Point 5.4)
- 3.21 On receipt of a noise complaint the first action will be to ‘reduce the level of the offending source by 3dB, and instigate an off-site reading near the source of the complaint to verify whether or not we have exceeded our permitted levels’. (Point 5.4)
- 3.22 With reference to ‘permitted levels’, the Sound Management Plan (annex 4) states that ‘Daytime and night-time hours are defined as per the issued licence, including any amendments required by the Licensing Sub-Committee for this event:
- Daytime – The music level will be set so as not to exceed 65 dB Laq,T above background noise level within 1 metre of the façade of neighbouring properties.

- Night-time – The report from Acoustic Dimensions (conducted in 2013 and attached as Annex 4.1) advises the night time limit be set at 45dB Laq,T. In line with stipulations posed by Mid Devon District Council, the night-time limit will be reduced to 40dB Laq,T'.

The premises licence application defines daytime as 10:00 – 23:00 and night-time as 23:00 – 10:00.

The Protection of Children From Harm

- 3.23 It is stated that children are able to attend the event as long as they are accompanied by a responsible adult ticket holder. It then outlines the procedure for dealing with children that have been separated from their parents. (Point 6.0)
- 3.24 The premises will operate a Challenge 21 Policy with regards to the sale of alcohol. (Point 6.0)

Additional points covered in the Event Management Plan

- 3.25 The Event Management Plan then goes on to cover (amongst other things):
- Emergency Procedures
 - Evacuation procedures (Point 7.1)
 - Emergency management procedures (Point 7.5)
 - Emergency response Plan (Point 7.6)
 - Fire precautions and equipment (Point 7.7)
 - Medical cover and first aid provision (Point 7.8)
 - Site Infrastructure and Key Areas
 - Contractors and Crew (Point 8.1)
 - Electrical supplies and installations (Point 8.2)
 - Documents and reporting (Point 9.0)
 - Site Safety Rules (Point 10.0)
 - Insurance (Point 11.0)

4.0 RESPONSIBLE AUTHORITIES

- 4.1 Responsible Authorities under the Licensing Act are automatically notified of all new premises licence applications. It is the responsibility of each Responsible Authority to determine when they have appropriate grounds to make a representation.
- 4.2 The Responsible Authorities are:
- Police
 - Fire service
 - Environmental Health (nuisance and health and safety)
 - Planning Authority
 - Weights and Measures
 - the body responsible for Child Protection
 - Primary Care Trust
 - Licensing Authority
- 4.3 Representations have been received from the Police, Fire Service, Primary Care Trust and the Licensing Authority.

- 4.4 **Police** (Annex 5) – Representations have been received from Lesley Carlo (Alcohol Licensing Officer), Jane Alford-Mole (A/Inspector) and Lindy Woodgate (Force Operations and Events Planning Officer). Their representations are summarised as follows:
- **Security** – There is insufficient information concerning security provision for the event.
 - **Drugs Policy** – There is insufficient information on the proposed drugs policy.
 - **Access to the site** – A lack of perimeter fencing means the site is not secure. There is concern regarding how numbers can be monitored and maintained.
 - **Vehicular access** – Access for Emergency Services and ticket holders is poor. Some parts of the site are steep and it was doubtful that emergency vehicles could reach certain areas. The local road network is not suitable and at the time of writing they are not aware that the applicant has applied to Devon County Council to implement a one way system.
 - **Public right of way across site** – The footpath (if not closed) would allow members of the public to access the site.
 - **Stream** – There is a stream running through the length of the area where licensable activities are to take place. This stream is largely unfenced and poses a risk to those attending the event (potentially having been drinking).
 - **Communications** – There was little or no mobile phone signal on site. Question therefore asked how Emergency Services would be contacted in case of an emergency. Police airwave radio connection was also lost on site when visited.
- 4.5 **Fire Service** (Annex 6) – Colin Mills (Station Manager) has stated he is not satisfied that the required fire protection measures and fire safety duties are in place to safeguard against fire. He then goes on to list a number of things he would expect to see like controlled cooking areas, clearly marked emergency assembly points, clear actions to be followed by management in the event of a fire and emergency vehicle access at all times to within 50m of where firefighting was required (which he says could be achieved with some work).
- 4.6 **Primary Care Trust, Drugs and Alcohol Team** (Annex 7) – Kristian Tomblin (Team Manager) raises concern that the festival does not have a clearly articulated plan to deliver the drugs policy put forward in the Event Management Plan. Neither is there a clear plan as to how people in difficulty from drugs and alcohol will be responded to.
- 4.7 **Licensing Authority** (Annex 8) – Tom Jones (Licensing Officer) states that he has concerns that the site is unsuitable and that necessary measures have not been taken to ensure; public safety, the protection of children from harm and the prevention of crime. Tom Jones has submitted additional information since the initial representation and this is also available as Annex 8.
- 4.8 An Environmental Health Officer will be present at the hearing and this is purely to answer any technical questions the Licensing Sub-Committee may have concerning noise issues.

5.0 OTHER PERSONS

- 5.1 The Licensing Act allows 'other persons' to make representations provided they are relevant. To be relevant, a representation must relate to the likely effect of the grant of a licence on the promotion of one or more of the licensing objectives. In this case thirty-six representations have been received; thirty-four are from local residents. The other two are from Sandford Parish Council and Cllr Michael Lee (Sandford and Creedy Ward). These representations are available as Annex 9 – 44.
- 5.2 There have been some similar points raised by those that have made representations. What follows is a brief summary of these points. It is not a comprehensive list of the representations made or a reflection of everyone's individual representation.
- 5.3 **Noise** – There are concerns regarding both the noise from music being played and the ancillary noise created by the event. It is pointed out that the application is for five days and the noise is said to be disturbing and intrusive. The point is also made that it prevents sleep.
- 5.4 **Mobile phone signal** – A lack of signal may make it difficult for nearby residents to phone event organisers during the event to make complaints i.e. to report music being too loud.
- 5.5 **Emergency access** – The roads surrounding the site are very narrow and access to certain areas of the site would be difficult for emergency vehicles. The site itself can be 'boggy' and this could hamper emergency access.
- 5.6 **Traffic Management Plan** – The roads surrounding the site are very narrow and the number of people / vehicles expected makes the site unsuitable. The proposed one-way system would still present dangers.
- 5.7 **Site Security** – A public footpath runs through the site so people question how the site can be made secure. It is also said that there will be insufficient security staff on site.
- 5.8 **Drugs Policy** – There are concerns regarding the drugs policy for the event.
- 5.9 **Livestock** – There is livestock currently on the site. The point is made that if they are not cleared off long enough in advance of the festival taking place it could result in danger of disease from animal faeces.
- 5.10 **On site dangers** – There is rusty machinery on site which presents a risk to those attending the event.
- 5.11 Some representations also raise the impact that the event would have on local wildlife. This issue is not relevant to the licensing objectives and as such members of the Licensing Sub-Committee must not consider it.
- 5.12 One anonymous representation was received by the Licensing Authority. This cannot be considered and has not been included in the paperwork.
- 5.13 A representation was made by Mike Killoran (South Western Ambulance Service). This representation concerned medical provision for the event and was subsequently withdrawn after the applicant provided additional information.
- 5.14 All of the locations of the residents who have made representations will be identified on a map at the hearing to assist members.

6.0 ON-GOING MATTERS

6.1 While writing this report the applicant has submitted updates and additional documents in support of the Event Management Plan (EMP) and in response to comments made by both Responsible Authorities and local residents. It has not been possible to read all of these documents at the time of writing but they include the following:

- Proposed amendments and clarifications to EMP constituting 'part of the applicants written representation for the Licensing committee' (available as Annex 45)
- EMP - Appendix A Risk Assessments (updated and available as Annex 2.1)
- EMP - Appendix B Fire Risk Assessments (updated and available as 2.2)
- EMP - Appendix C Licensing and Bar Operations (updated)
- EMP - Appendix D Security and Stewards (the proposed Security firm has said they will need to visit the site to conduct a site survey and risk assessment prior to the event taking place so specific details are not yet available)
- EMP - Appendix K Medical (updated and although an 'Operational Plan' has been provided from a company called Emergency Ambulance Services Ltd, a medical provider has not yet been confirmed)
- EMP - Appendix T Site Suitability (new document available as Annex 2.3)

6.2 As these documents have only just been submitted or updated it may be that Responsible Authorities and Other Persons have further comments to make on them. If the Licensing Authority does receive additional information that is relevant, it will be circulated to members of the licensing sub-committee and also, if applicable, posted on the MDDC Website - <http://www.middevon.gov.uk/index.aspx?articleid=5482>.

7.0 LICENSING POLICY

7.1 The Licensing Act requires the Council as the Licensing Authority to formally adopt a policy setting out how it will deal with its duties under the Act. That policy must be reviewed every five years and this Council formally adopted the current policy on 18 December 2013 and it came into effect 7 January 2014. It includes the following:

7.2 The Licensing Authority has a duty to carry out its licensing functions with the aim of promoting the four licensing objectives. (Paragraph 3.1)

7.3 The Authority will expect applicants and licence holders to demonstrate that they have given thought to and have in place adequate measures to ensure that the operation of their premises will not have an adverse effect on the quality of life of persons living and/or working in the vicinity of the premises. (Paragraph 4.1.4)

7.4 In determining a licensing application, the overriding principle adopted by this Authority will be that each application will be determined on its own merits. (Paragraph 5.3.1)

7.5 The Authority will also have regard to wider considerations affecting the residential population, businesses and the amenity of an area. These include alcohol-related violence and disorder, anti-social behaviour, littering, fouling, and noise, particularly late at night and in the early morning. (Paragraph 5.3.3)

7.6 When determining an application, the Authority is making a judgement about risk. A key purpose of the licensing function is not to respond to crime and disorder, nuisance or public harm once it has happened but to make an informed assessment of the risk of such things occurring if a licence is granted and to take such steps as it considers appropriate to prevent or minimise such risks. (Paragraph 5.3.5)

7.7 When relevant representations are made the Authority has discretion on whether to grant applications and / or to impose conditions. The policy states that conditions are crucial in setting the parameters within which premises can lawfully operate. Any contravention of a condition on a premises licence or club premises certificate is a criminal offence so it is essential that conditions are worded clearly, precisely and unambiguously. In addition, conditions must:

- be appropriate, reasonable and proportionate
- be enforceable
- not duplicate other statutory requirements
- be relevant to the particular type, location and character of the premises concerned
- not be standardised
- should be justifiable and capable of being met
- not replicate offences set out in the Act or in other legislation
- be written in a prescriptive format (Paragraph 7.2)

7.9 Members must have regard to the policy when making their decision and are requested to bring their own copy to the hearing.

8.0 GOVERNMENT GUIDANCE

8.1 Members are also obliged to have regard to the Guidance produced under S.182 of the Licensing Act 2003. The relevant version for this application was published in June 2013. It includes the following:

8.2 Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case. (Paragraph 1.17)

Crime and Disorder

8.3 Licensing authorities should look to the police as the main source of advice on crime and disorder. (Paragraph 2.1)

Public safety

8.4 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. (Paragraph 2.8)

8.5 A number of matters should be considered in relation to public safety. These may include:

- Fire safety;

- Ensuring appropriate access for emergency services such as ambulances;
- Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts;
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
- Ensuring appropriate limits on the maximum capacity of the premises; and
- Considering the use of CCTV in and around the premises. (Paragraph 2.9)

Public nuisance

- 8.6 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter. (Paragraph 2.18)
- 8.7 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. (Paragraph 2.19)
- 8.8 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues. (Paragraph 2.20)
- 8.9 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late-evening or early-morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave. (Paragraph 2.22)

Protection of children from harm

- 8.11 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the

harms associated with alcohol but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). (Paragraph 2.25)

Hearings & Determination

- 8.12 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation. (Paragraph 9.33)
- 8.13 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:
- the steps that are appropriate to promote the licensing objectives;
 - the representations (including supporting information) presented by all the parties;
 - Government Guidance;
 - its own statement of licensing policy (Paragraph 9.34)

9.0 DETERMINATION

- 9.1 The Committee must take such steps as it considers appropriate for the promotion of the licensing objectives. This may include:
- Granting the licence as applied for
 - Granting the licence subject to appropriate conditions
 - Excluding from the scope of the licence any of the licensable activities to which the application relates
 - Refusing to specify a Designated Premises Supervisor
 - Rejecting the application
- 9.2 Whatever decision is made reasons should be given which set out the matters taken into consideration and why such a decision was arrived at.
- 9.3 Members have five working days from the conclusion of the hearing to make a decision.
- 9.4 An adopted procedure for Hearings is available as Annexe 46. This should help guide all parties through the hearing process.
- 9.5 ***Additional note:*** To try and ensure the hearing runs as smoothly as possible the Licensing Team have been asking those that have made representations if they are willing to elect one or two spokesperson(s) to speak on their behalf regarding the joint areas of concern. If this has been possible we ask that individuals identify the spokesperson(s) in their response to the 'Notice of Hearing'. Additional points that are not covered by the spokesperson(s) can always be raised by others at the hearing, but points cannot simply be repeated.

10.0 APPEAL

- 10.1 If any party (i.e. applicant, Responsible Authority or 'Other Person') is dissatisfied with the decision made then they have the right of appeal to the Magistrates' Court within 21 days of formal notification of the decision.

LIST OF ANNEXES TO THIS REPORT

Annex 1: Premises licence application

Annex 2: Event Management Plan (EMP)

The following Appendices to the EMP are made available as part of this report*:

Annex 2.1: Risk Assessments

Annex 2.2: Fire Risk Assessment

Annex 2.3: Site Suitability and Emergency Flooding Protocol

Annex 3: Site and Area Plans

Annex 4: Sound Management Plan

Annex 4.1: Background Noise Assessment conducted in 2013

*If you would like a different Appendix to the EMP that is not part of this report please contact the Licensing Team - licensing@middevon.gov.uk / 01884 244617/8/9.

Annex 5: Police representations

Annex 6: Fire Service representation

Annex 7: Primary Care Trust, Drug and Alcohol Team representation

Annex 8: Licensing Authority representation

Annex 9 – Annex 44: 'Other Person' representations

Annex 45: Proposed amendments and clarifications to Event Management Plan constituting part of the applicant's response to representations made

Annex 46: Hearing Procedure

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| Contact for any more information | Thomas Keating (01884 244618) Lead Licensing Officer |
| Background Papers | S.182 Guidance to Licensing Act 2003 & MDDC Statement of Licensing Policy |
| File Reference | Licensing/Hearings/Sunset Festival |
| Circulation of the Report | Applicant / Responsible Authorities (if applicable) / 'Other Persons' |