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## **LICENSING & APPEALS SUB-COMMITTEE**

### **Minutes of a Virtual meeting held on Tuesday 8<sup>th</sup> June 2021 at 9:30am.**

The meeting was held virtually. Members of the public were able to view the virtual meeting via the District Council's website at [www.derbyshiredales.gov.uk](http://www.derbyshiredales.gov.uk) or via our YouTube channel.

#### **PRESENT**

Councillor Andrew Statham - In the Chair

Councillors Steven Wain and Michele Morley.

Eileen Tierney (Licensing Manager), Lee Gardner (Legal Services Manager), Jason Spencer (Democratic Services Manager), and Tommy Shaw (Democratic Services Assistant).

Objector - Colin McDougall

Applicant – Fiona Lisa Grant.

#### **15/21 – ELECTION OF CHAIRMAN**

It was moved by Councillor Michele Morley seconded by Councillor Steve Wain and

**RESOLVED**  
(Unanimously)

That Councillor Andrew Statham be elected as Chairman of the Meeting.

#### **16/21 – LICENSING ACT 2003 – SECTION 17: APPLICATION FOR PREMISES LICENCE – FEMMEFEST MUSIC FESTIVAL, GREEN VIEW FARM, PIKEHALL**

It was reported that, in accordance with the Council's Licensing procedures, an application had been received for a Premises Licence for a music festival to take place at Green View Farm, Pikehall (near Parwich and Newhaven).

The circumstances of the Applicant's referral to the Sub-Committee was due to an objection being made to the applications by Colin & Jacky McDougall.

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

The Licensing Manager gave an outline of the application.

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

Mr McDougall was invited to put their case.

The Committee had an opportunity to question Mr McDougall. The Applicant was also afforded the opportunity to request clarification of any points raised by Mr McDougall.

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The Committee had an opportunity to question the Applicant. Mr McDougall 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 point.

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

The Committee members adjourned at 10:40am in order to allow for determination of the application and decision.

## **17/21 – DECISION**

It was moved by Councillor Andrew Statham, seconded by Councillor Michele Morley and

### **RESOLVED** (Unanimously)

That having considered all the evidence put before it, the Sub-Committee has determined that the Applicant will be granted the Premises Licence, subject to the following amendments:

- (I) The License is granted for the month of September 2021 and the Month of June in subsequent years only
- (II) The provision of recorded music is for both inside and outside any structures on the licensed premises.
- (III) That recorded music only be allowed to midnight on the Sunday.
- (IV) The use of recorded music outside any structure on the licensed premises between the hours of Midnight and 2am is only allowed if the licensee is operating a silent disco.
- (V) That the event is limited to 2000 ticket holders plus staff and artists.

Reason for Decision

The reasons for the decision are contained in the Decision Notice, which is attached to the minutes.

**CHAIRMAN**

**MEETING CLOSED: 11:10am**

## **17/21 LICENSING & APPEALS SUB-COMMITTEE DECISION**

**(Licensing Act 2003: Section 17)**

**Record of proceedings of the Derbyshire Dales District Council's Licensing & Appeals Sub-Committee held on Tuesday 8<sup>th</sup> June 2021 at 9:30am.**

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**Full name of Applicant:** Miss Fiona Lisa Grant

**Premises Address:** Green View Farm, Pikehall, DE4 2PH

**Reason for attendance at the Sub Committee:** To determine an application made under Section 17 of the Licensing Act 2003, for a Premises Licence for a music festival to take place at Green View Farm, Pikehall (near Parwich and Newhaven).

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### **CONSTITUTION OF COMMITTEE**

Councillor Andrew Statham (Chairman)

Councillor Steve Wain

Councillor Michele Morley

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### **REPRESENTATIONS MADE BY**

- Colin and Jacky McDougall (Colin Speaking for both)
  - Miss Fiona Lisa Grant - Applicant
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### **NAMES OF OTHERS PRESENT (WRITE "NONE" WHERE APPROPRIATE)**

Eileen Tierney – Licensing Manager

Lee Gardner – Legal Services Manager

Jason Spencer – Democratic Services Manager

Tommy Shaw – Democratic Services Assistant

### **PREMISES REPRESENTATIVES**

None

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#### **1. 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 that was 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.

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**2. Chairpersons note of evidence (i.e. concise details of all oral and written details put before the Committee)**

Are detailed in the Reason for the Decision.

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**3. Findings of the Sub-Committee on questions of fact material to the decision (i.e. the relevant facts accepted from the evidence available)**

Are detailed in the Reason for the Decision.

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**4. Full text of unanimous decision**

**RESOLVED  
(Unanimously)**

In March 2021, an application was received from Ms Fiona Lisa Grant for a Premises Licence to allow an annual music festival, known as Femme Fest, to take place at Green View Farm, Pikehall, DE4 2PH.

The application seeks to allow the sale of alcohol, the provision of live and recorded music and the provision of late night refreshment at an annual 3-day music festival, on one long weekend between the beginning of June and the end of September every year.

The application included the following timings

Hour premise open to the public – From Friday 10am through to Monday 12pm (to allow for camping)  
Late Night Refreshment 11pm to 2am Friday, Saturday and Sunday (into Monday)  
Recorded Music 10am to 2am Friday, Saturday and Sunday (into Monday)

Live Music - 5pm to 9pm Friday  
- 11am to 9pm Saturday  
- 12pm to 9pm Sunday

Supply of Alcohol – 12pm to 2am Friday (into Saturday)  
- 10am to 2am Saturday (into Sunday)  
- 10am to 2am Sunday (into Monday)

The Sub-Committee reviewed the plans submitted to address the licensing objectives of Public Safety, Crime and Disorder and Protection of Children and were satisfied of the proposals. Therefore on the basis of the representation it considered that the relevant licensing objective for them to consider is 'The Prevention of Public Nuisance.

The Sub-Committee also confirm that in reaching its decision it had regards to the evidence presented in the report, the evidence presented at the Sub-Committee hearing, together with the Council's Licensing Policy and statutory government guidance ("sc182 Guidance")

The Sub-Committee in considering all the evidence and guidance RESOLVED

That the Licence be GRANTED as applied for except for the following amendments:

- (I) The License is granted for the month of September 2021 and the Month of June in subsequent years only
- (II) The provision of recorded music is for both inside and outside any structures on the licensed premises.
- (III) That recorded music only be allowed to midnight on the Sunday.
- (IV) The use of recorded music outside any structure on the licensed premises between the hours of Midnight and 2am is only allowed if the licensee is operating a silent disco.
- (V) That the event is limited to 2000 ticket holders plus staff and artists.

A full decision notice will be issued and sent out within 5 working days.

Any party that does not agree with this decision has the right of appeal. An appeal against this Decision should be made to the Magistrates' Court acting for the Petty Sessional Area in which the premises are located. You must do this in writing within 21 days of the date of the written Notice of Decision.

### **Reasons for Decision**

The Sub-Committee heard from the Objector, Mr McDougall and considered his written objections.

The Sub-Committee were pleased to hear that Mr McDougall wanted the event to go ahead and to work with the Applicant, but due to experiences with other festivals on the site, he wanted to make sure any potential nuisance was limited.

His concerns included the numbers and the potential for the event to grow, the fact that the license gave the applicant the ability to choose the date of the event over a number of months and noise from the event.

The Sub-Committee heard from the applicant and noted her attempts to try and reach a compromise with the local residents and also that she had hired various professional agencies to assist in the running of the event. It was however noted that Miss Grant had not run an event of this size before.

In considering all the evidence, the Sub-Committee decided to grant the licence as applied for, except the following changes:

- (I) The Licence is granted for the month of September 2021 and the month of June in subsequent years only.

The applicant asked for the flexibility to stage the event from June to September every year.

The reason for this is that due to the Covid-19 outbreak, her plan of having this in June every year had to change and she moved the event to September in 2021 and wanted the flexibility to change the dates if Covid-19 or government restrictions continues.

Where the Sub-Committee were understanding of the reasons behind this request it was felt that this did not give the residents any certainty of when the event will take place and therefore plan around the event.

Miss Grant clarified that she wished the event to happen in June each year. As such the Sub-Committee considered that the event should be allowed to go ahead in September this year but future events should be limited to June in subsequent years to give the local residents certainty of when to expect the event.

If for any reason the event cannot go ahead in June, then the applicant can apply for a variation.

- (II) The provision of recorded music is for both inside and outside any structures on the licensed premises

The Applicant explained that, other than the silent disco, all music after midnight will be situated in the marquees on site. This was clarified by the Council's Licensing Manager that this constitutes as being inside the premises. Being that this would limit the noise after midnight, the Sub-Committee confirmed that the license would allow for music to be inside and outside the premises.

- (III) That recorded music only be allowed to midnight on the Sunday.

The Sub-Committee were mindful that the license, as applied for, would go into the early hours of Monday morning, which to most of the local residences was a working/school day. It considered that even though the provision of recorded music was to be situated inside marquees, there was a possibility of local residents being disturbed up to 2am if the licence was granted.

The Sub-Committee therefore decided to limit the hours of recorded music to midnight on the Sunday to limit the potential nuisance to residents. The Sub-Committee believed that this balanced the needs of the local community against the viability of the event as the provision for supply of alcohol would still be allowed to 2am and the marquees can still play background music for those wishing to continue to drink.

- (IV) The use of recorded music outside any structure on the licensed premises between the hours of Midnight and 2am is only allowed if the licensee is operating a silent disco.

Miss Grant stated that she would limit music after midnight to inside the marquees, however the planned silent disco would be held outside any structure. As this event involved the use of headphones for the participants to listen to the music, it would limit the nuisance caused and thus the Sub-Committee considered that this type of event should be encouraged. As such the use of a silent disco after midnight was agreed and allowed to be held on Friday and/or a Saturday.

The Sub-Committee again felt this condition kept the event viable while balancing the protection of residents from excessive nuisance.

- (V) That the event is limited to 2000 ticket holder plus staff and artists.

Mr McDougall was concerned regarding the possibility of this event expanding and the Sub-Committee heard the Miss Grant had not held an event of this nature before. It also noted that Miss Grant did not expect high numbers in the first few years.

In considering the evidence the Sub-Committee considered that the event be limited to 2000 ticket holders plus staff and artists in order to give the opportunity to show that the event is viable and that Miss Grant is capable of holding an event of this nature. It also gives certainty to the local residents that this event will not rapidly grow thus resulting in an unmanageable increase in size.

If it appears in subsequent years that the event will grow beyond 2000 ticket holders, staff and artists, Miss Grant can apply to vary the licence and if there are objections to the variations the application would come before members and they can review the management of the event before agreeing to extend.

**Chairman**

**Date:** 8<sup>th</sup> June 2021.



## **APPEALS TO THE MAGISTRATES' COURTS**

Many of the enforcement actions and decisions made by Derbyshire Dales District Council carry the right of appeal to the Magistrates' Court. This means that if you do not agree with the decision that the District Council has made you may contact the Magistrates' Court and ask them to formally review it. For example, anyone served with a formal enforcement notice has the right to appeal against that notice within 21 days of its service.

### **How do I make an appeal?**

The right to appeal is normally set out on the reverse of the notice or in a letter that accompanies it.

The Derbyshire Dales District Council area is served by two Magistrates' Courts:

- North East Derbyshire and Dales Magistrates' Court,  
Tapton Lane, Chesterfield S41 7TW.  
Tel: 01246 224040.

### **Which Court should I contact?**

Generally speaking the North East Derbyshire and Dales Magistrates' Court serves the northern part of the District and Southern Derbyshire Magistrates' Court serves the southern part of the District.

The Court that you would need to contact to make an appeal will depend on the address to which the notice or other enforcement decision relates. If you are unsure which Court would deal with your appeal, we recommend that you contact one of them to check.

### **Where can I get help?**

If you think you need help we would recommend that you speak to a solicitor who would be able to assist you with the Court processes.

The District Council is not able to recommend any particular firm of solicitors but would suggest you check in Yellow Pages or a local services directory.

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