

**MONMOUTHSHIRE COUNTY COUNCIL
REPORT**

SUBJECT:	Application for a temporary Premises Licence – Devauden Festival, Upper Meend Farm, Penalt, Monmouth
DIRECTORATE:	Social Care, Safeguarding and Health
MEETING:	Licensing & Regulatory Sub-Committee
COMMITTEE DATE:	19th March 2025
WARDS AFFECTED:	Mitchel Troy and Trellech

1. PURPOSE:

To consider an application for a temporary premises licence under the Licensing Act 2003 for Devauden Festival, Upper Meend Farm, Penalt, Monmouth. A copy of the application and plan is attached as Appendix A.

2. RECOMMENDATION:

It is recommended that members consider and determine the application referred to in 3.1 below, based on the information provided.

3. KEY ISSUES

- 3.1 An application for a temporary premises licence under the Licensing Act 2003 was received from Devauden Festival, Devauden Hall, Devauden on the 23rd January 2025 for the following:

Plays	Friday: 19.00hrs – 23.00hrs Sat/Sun : 10.00hrs – 23.00hrs
Films	Friday: 18.00hrs – 21.00hrs Sat/Sun: 10.00hrs – 21.00hrs
Live and Recorded Music	Friday: 17.00hrs – 23.00hrs Sat/Sun: 10.00hrs – 23.00hrs
Performance of Dance	Friday: 17.00hrs – 23.00hrs Sat/Sun: 10.00hrs – 23.00hrs
Anything of a similar description	Friday: 17.00hrs – 23.00hrs Sat/Sun: 10.00hrs – 23.00hrs
Late Night Refreshment	Friday – Sunday: 23.00hrs – 00.30hrs
Alcohol Sales	Friday: 16.00hrs – midnight Saturday: midday – midnight Sunday: midday – 23.30hrs
Opening Hours	Friday: 09.00hrs – midnight Sat/Sun: 09.30hrs – midnight Monday: 09.00hrs – 17.00hrs

The applicant has described the event as follows in their application:

Operating since 2010, the Devauden Festival is a family-oriented music festival held over three days over the last weekend of May. It hosts established and up-and-coming pop, rock, and folk acts, performing original music with professional staging, sound, and lighting. There are several stages, including the main Anghidi stage, the big top stage, the Tangerine Trees stage, featuring edgy and alternative music, the mainly acoustic House of Roots stage, and the Merry Mari stage, featuring DJ sets, the main Festival field offers a selection of bars located in the main Festival field and Farm Courtyard area The Wonder Burrow features activities for children and entertainers, arts and crafts stalls, food and non-food stalls, and The Peace Field, a wellness area where our customers can watch healing demonstrations and experience treatments first-hand. This next festival will run on the evening of Friday, 23 May 2025, and all day on Saturday, 24, and Sunday, 25 May 2025. After several years of growth, we moved the festival to a new home in 2025 at Humble by Nature, Upper Meend Farm, Monmouth. This year, we expect a maximum of 4999 attendees

- 3.2 A map of where the premises is located within Monmouth and the surrounding area can be viewed as Appendix B.
- 3.3 The applicant has stated the following conditions on their premises licence application when asked in the application to describe the steps intended to take to promote the licensing objectives:

General

The Applicant is highly experienced at organising and delivering large-scale outdoor music and entertainment events and has a proven track record of complying with all the licensing objectives. Parking and camping facilities will be provided on-site as identified on the Site Plan and with more specific details provided in the detailed Event Safety Management Plan (ESMP), which will be provided to the Event Safety Advisory Group as part of the consultation with agencies before the Event

- The Premises Licence Holder (PLH) shall operate and maintain an up-to-date incident book, detailing the time/date/individual involved /incident that has taken place. This shall be made available for inspection by any Responsible Authority under the Licensing Act 2003.
- Fully documented staff training, including training on the premises licence conditions, as well as the premises' Challenge 25 Policy, will be given before any event.
- Staff must sign and date documentation after their training session, acknowledging that they have received and fully understood the training provided to them. This can be made for inspection by any Responsible Authority under the Licensing Act 2003.
- The Premises Licence, as identified on the Plan attached to this licence, is restricted to three event days per annum and for a capacity of less than 5000 persons.
- A detailed Event Safety Management and Operating Plan (ESMP) will be prepared by the licence holder and submitted to the ESAG at least 12 weeks before the start of an Event. The Plan will encompass all aspects of the event planning arrangements, policies and risk assessments relevant to the Event, including (inter alia): Site Plan; Crowd Management and Security Plan; Traffic Management Plan; Noise Management Plan; Event Safety Plan; Health & Safety Policy; Adverse Weather Plan; Show Stop Procedures; Medical Operations Plan; Child &

Vulnerable Person Protection Policy; Welfare Management Plan; Bars and Alcohol Management Plan; Fire Management Plan and Event Risk Assessment.

- The ESMP will be a live document which will be updated following pre-event consultation meetings and discussions with the ESAG and will be finalised and agreed at least 14 days prior to the event. Any change or deviation from the ESMP during the Event must be approved in advance by the relevant ESAG Authorities at an Event Control Meeting.
- All licensable activities provided at the Event will take place in accordance with the relevant approved ESMP which will act as part of the operating plan for the premises.
- A designated member of the management team shall patrol the site ensuring that control measures identified within the risk assessments are implemented. Where there are new risks to safety identified, the designated person will take the necessary steps to reduce and eliminate such risks.
- The final plans will show all temporary structures, stages, sponsor activities, bars, sanitary facilities, car parks and any camping areas will be submitted three months before the event.
- In relation to an Event, the Applicant shall follow the principles within the "Event Safety Guide – A Guide to Health, Safety and Welfare at Work and Similar Events – HSG 195, published by the Health and Safety Executive (HSE) 1999 ISBN 0 7176 2453." We will operate based on the recommendations of "The Purple Guide"

The Prevention of Crime and Disorder

CCTV shall be installed at the premises covering the main Bar area

- The CCTV equipment shall be maintained in good working order and
- continually record when licensable activity takes place.
- The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days. This image retention period may be reviewed as appropriate by the licensing authority and any other authorised person.
- The correct time and date will be generated onto both the recording and the real time image screen.
- The PLH shall be responsible for ensuring that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at the request of any authorised officer of the Licensing Authority or a constable;
- There shall be clear signage indicating that CCTV equipment is in use and recording at the premises
- Where class A, B or C controlled substances under the Misuse of Drugs Act) or weapons being carried, the PLH shall ensure that SIA security staff carry out random searches of the outer clothing, pockets and bags of those trying to enter the premises. In any event where controlled substances or weapons are found, the PLH shall ensure that the staff inform the police as soon as reasonably practicable and record this in the incident book.
- The PLH shall ensure that documented arrangements are in place at the premises to discourage the use and sale of controlled substances. For example, documented checks of toilet areas throughout the event.
- The PLH will operate a zero-drug policy, and all staff will be suitably trained on this policy.
- All crime incidents will be reported to the Police as soon as reasonably practical. Any disorder will be entered into an Incident Log.
- The PLH shall risk assessing events to determine the number of volunteer Security Marshals and SIA security supervisors required for any event

- When an Event is taking place, Volunteer Marshals supplemented by supervisors licensed with the Security Industry Authority will be employed. We undertake to maintain a ratio of one volunteer Marshal per 250 attendees throughout Festival site opening hours.

Public Safety

- Duly authorised officers of the Council, Police Constables and Duly authorised officers of South Wales Fire and Rescue Service shall at all reasonable times have free ingress to the licensed premises and the Licensee or the person in charge in the absence of the Licensee shall comply with any reasonable safety measure that may be required of him by any duly authorised officer of the Council.
- Lighting, Electrical Fittings etc. All electrical fittings, wiring and appliances shall be constructed and maintained in a safe and satisfactory condition and to the satisfaction of the Council and whensoever required to do so by the Council, the licensee shall submit to the Council a certificate given by a qualified Electrical Engineer that the electrical installations have been examined and tested and are in a safe working condition.
- The Licensee shall ensure that socket outlets for use with temporary or portable Electrical Equipment on or in the vicinity of any stage area, and any circuits associated with spotlights or other stage equipment shall be protected by one or more "Residual Current Devices" as necessary, having an adequate load current, rating and a 30 mA Tripping current.
- The Licensee and the staff of attendants shall take due precautions for the prevention of accidents.
- Any small fire outbreak shall be reported immediately to the Fire Brigade.

Prevention of Public Nuisance

- A Noise management plan to be submitted to the Environmental Health Department a minimum of 28 days before the event.
- A letter will be circulated to residents at least 2 weeks before the event, informing them of the details of the event and including start and finish times of both the event and any sound checks. The letter will also include a dedicated telephone number for noise complaints, with the number also to be made available online.
- A telephone complaints line will be made available for the duration of each event. Should any noise complaints be received, a suitably qualified acoustic consultant will investigate the complaint and if noise levels are above those specified in the event-specific the noise management plan, immediate action would be taken to reduce the levels at the noise source.
- A complaints log will be maintained throughout the event, detailing addresses of complaints, times and actions.
- Site design a suitably qualified acoustic consultant will liaise with the The Festival Directors, sound system supplier and local authority to review site plans, find the most appropriate site layout that would minimise the noise impact at off-site locations for any event.
- Sound Systems The appointed acoustic consultant will review the sound systems and other noise sources and work with the promoter and the council to minimise noise disturbance.
- All sound system suppliers will be informed of the requirements of strict noise management and the type and location/orientation of their systems. Their contract

of hire will also specify that the overall control of sound levels will be set by the venue and/or their appointed agent (acoustic consultants).

- A suitably qualified consultant will undertake on-site and Off-site sound monitoring during the festival. We will maintain records for future inspection

Protection of Children from Harm

- The premises licence holder shall operate and maintain an up to date register of refusals of sale of alcohol, indicating the date, time and reason for refusal which shall be made available for inspection by any responsible authority under the Licensing Act 2003. The DPS will sign the book each time it is checked.
 - The premises licence holder shall operate a challenge 25 policy and signage will be displayed to indicate this in operation. The age check shall be made by examining a passport, photographic driving licence or a PASS approved proof of age card. No other form of identification shall be accepted.
 - Children under 16yrs will be allowed on the premises only when accompanied by an adult.
 - The licensee and staff will ask persons who appear to be under the age of 25 for photographic ID such as proof of age cards, the Connexions Card and Citizen Card, photographic driving licence or passport, an official identity card issued by HM Forces or by an EU country, bearing the photograph and date of birth of bearer. All staff will be trained for UNDERAGE SALES PREVENTION regularly. A register of refused sales shall be kept and maintained on the premises.
- 3.5 The applicant has a statutory duty to send copies of their premises licence application to the 'Responsible Authorities' namely Gwent Police, South Wales Fire Service, The Local Health Board, Home Office (Immigration) and departments of Monmouthshire County Council being the Environmental Health Section, Social Services, Planning, Licensing and Trading Standards Department, which was carried out by the applicant. A notice also must be circulated in a newspaper within the area of the premises as well as a notice displayed at the premises to enable businesses and residents to make a representation; again, the applicant duly carried this out. The application is also advertised via the Council's website, which gives details on how a person can make a representation and this was carried out by the Licensing Authority.
- 3.6 Representations were received by Gwent Police, who objected to the application against the licensing objectives, namely prevention of crime & disorder, prevention of public nuisance, public safety. The full representations which have been agreed by the applicant can be viewed at Appendix C.
- 3.7 Representations were also made by Environmental Health and agreed by the applicant and are as follows:

A Noise Management Plan (NMP) will be required to manage noise levels from the premises. Noise limits will be applied depending on the event type, duration, finishing time and informed by discussion with the Environmental Health Section. The NMP shall be submitted to the Environmental Health Section a minimum of 28 days prior to the event; and will be fully implemented during the event. The event shall not proceed until the Environmental Health Section is satisfied that all reasonable conditions put forward to prevent public nuisance can be met.

3.8 Representations were also received from other persons and they are attached as Appendix D. The following is a list of the main representations received in relation to the Licensing Act 2003:

- Noise issues
- Possibility of gate crashers
- Concern for children being lost or in danger

Concerns were raised over traffic management issues. The applicant has devised a traffic management plan with Monmouthshire Highways to ensure public safety and appropriate access for emergency services. Plan attached as Appendix E.

3.9 Concerns were also raised over Curlews nesting within the area of the plan submitted with the application (Appendix A). Therefore the applicant has altered the plan to ensure the probable nesting area of the Curlew (in red) is not currently part of the festival (shown in Appendix F).

3.10 The applicant has also provided a response to objectors giving an overview of how they will be running the event. A copy of this can be seen at Appendix G.

3.11 Representations made under the Licensing Act 2003 must be made under the four key licensing objectives, namely:-

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

However, Section 9.9 of the Guidance issued by the Home Office states:

It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.

3.12 When considering their decision members are asked to consider the licensing objectives guidance issued under the revised guidance under section 182 of the Licensing Act 2003 (attached as Appendix H)

3.13 In accordance with 9.2 of the Home Office Guidance issued under Section 182 of the Licensing Act 2003. A hearing is not required where an application has been properly made and no responsible authority or other person has made a relevant representation or where representations are made and subsequently withdrawn..... Licensing authorities should not hold hearings for uncontested applications, for example in situations where representations have been made and conditions have subsequently been agreed. As such, no agreement was reached with the other persons who made a representation, and a hearing is required.

4. REASONS:

4.1 The determination of an application is to be considered in accordance with Section 182 of the Licensing Act 2003.

- 4.2 In section 9.4 of the Guidance issued under section 182 of the Licensing Act 2003, the Secretary of State recommends that, a representation would only be “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.
- 4.3 In section 13.10 of the Guidance issued under Section 182. It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal. It is particularly important that reasons should also address the extent to which the decision has been made with regard to the licensing authority’s statement of policy and this Guidance.
- 4.4 Monmouthshire County Council’s Policy on Prevention of crime and disorder are set out in Section 10 and read as follows:

Prevention of crime and disorder

The Licensing Authority will expect operating schedules to satisfactorily address these issues from the design of the premises through to the day-to-day operation of the business. Details of the factors that will need to be considered as part of the operating schedules are given in the Licensing Policies and matters for consideration when deciding applications, which are attached in the annex to this policy and in the Guidance notes for applicants.

The Licensee/applicant should also use their own experience and knowledge of their customers and locations when drafting their operating schedule, which subsequently becomes the basis of conditions on the licence. Failure to do this may lead to a representation from the Authority, a responsible authority or other person. Applicants may wish to consider the following and are advised to refer to the Authority’s ‘Model Pool of Conditions’ when considering an application.

- Is there CCTV, and, if so what are the areas covered, does it have the ability to see clear full face recording of patrons entering, does it record the patron search area at the entrance. What is the retention period of recordings, how easy it to access, produce copies or download images if requested by Police and Licensing.
- Is there ID scanning on entry to the premises? Will there be ‘No ID No Entry’ policy in place?
- Is there a proof of age scheme, do the premises have a challenge 25 policy? Are staff trained regularly on this policy and is it documented?

- 4.5 Monmouthshire County Council’s Policy on Prevention of Nuisance are set out in Section 11 and read as follows:

Prevention of public nuisance

Licensed premises can have significant potential to impact adversely on persons in the vicinity and further afield through public nuisances that arise from their operation.

Subject to case law the Licensing Authority interprets 'public nuisance' in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in the vicinity of a licensed premises.

Applicants will be encouraged to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance.

The Licensing Authority recommends that licensees apply a high standard of control to minimise the potential for any public nuisance that may arise from their operation of the premises, particularly where:

- they are situated in a residential or noise sensitive area; or
- extended opening hours are proposed.

The Licensing Authority recognises that beyond the immediate vicinity of the premises the control that a licence-holder can exert over its patrons diminishes and individuals who engage in anti-social behaviour are accountable in their own right.

When addressing the issue of prevention of public nuisance in their operating schedule, the applicant may identify steps to show that those factors that impact on the prevention of public nuisance objective have been considered

- 4.6 Monmouthshire County Council's Policy on Public Safety are set out in Section 12 and read as follows:

Public safety

The Licensing Authority will expect operating schedules to satisfactorily address issues concerning public safety, and applicants are advised to seek advice from various organisations, such as the health and safety enforcement officers, South Wales Fire and Rescue Service etc., before preparing their plans and schedules, particularly where regulated entertainment is to be provided.

The Licensing Authority will encourage applicants to conduct a risk assessment of the premises and/or activity. The authority recommends that specialists, e.g. a qualified safety officer, should be consulted to assist with the assessment.

- 4.7 Monmouthshire County Council's Policy on Prevention of Nuisance are set out in Section 13 and read as follows

Protection of Children from Harm

Nothing in this statement of policy shall limit or require access of children to premises unless there is an overriding requirement of necessity to prevent harm to children. Areas that will give rise to particular concern are highlighted elsewhere in

this policy.

With the exception of the restrictions specified in Section 145, the 2003 Act does not prohibit children from having free access to any licensed premises. However, the Licensing Authority recognises that limitations may have to be considered where it appears necessary to protect children from harm.

The Licensing Authority will not impose any condition that specifically requires access for children to be provided at any premises. Where no restriction or limitation is imposed the issue of access will remain a matter for the discretion of the individual premises or club.

- 4.8 Monmouthshire County Council's licensing policy states at 1.10 that it will not seek to regulate matters which are provided for in any other legislation and will seek to complement such regimes e.g. planning, health and safety, employment rights, fire safety, etc.

5. RESOURCE IMPLICATIONS:

Nil

6. CONSULTEES:

Heddlu Gwent Police, South Wales Fire Service, Immigration and the following departments from Monmouthshire County Council, namely, Environmental Health, Social Services, Planning, Trading Standards, Licensing and the Local Health Board

7. BACKGROUND PAPERS:

Licensing Act 2003 - [Licensing Act 2003 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2003/30/contents/enacted)

Guidance issued under Section 182 of the Licensing Act 2003 dated February 2025
<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

Monmouthshire County Council's Statement of Licensing Policy dated 1st July 2020
- [Licensing Act Policy - monmouthshire](#)

8. AUTHOR:

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