

## **LICENSING HEARING**

Minutes of the meeting held on 13 April 2015 commencing at 10.30 am

Present: Cllrs. Ayres, Mrs. George and Pett

Also present

Ms. A. Newhouse  
Mr J. Sterry  
Mrs. E. Ecclestone

Applicants:

- representative of Innocent Drinks Ltd  
- representative of Innocent Drinks Ltd  
- representative of St Clere Estate

Mrs. L. Leeds  
Mr. D. Lagzdins  
Ms. V. Etheridge

- Licensing Officer  
- Legal Advisor  
- Democratic Services Officer

### 1. Appointment of Chairman

Resolved: That Cllr. Pett be appointed Chairman of the meeting.

### 2. Declarations of Interest

There were no declarations of interest.

### 3. Application for a time limited premises licence under The Licensing Act 2003 from Innocent Drinks Ltd For St Clere Estate Pinetum St Clere Estate St Clere Kemsing Kent TN15 6NL

The Hearing gave consideration to a report by the Chief Officer Environmental and Operational Services giving details of an application for a time limited premises licence under the Licensing Act 2003. It was noted that an objection had been received from a neighbouring resident and that accordingly the application had been referred to the Sub-Committee for determination.

As the objector had indicated he would not be attending, the Chairman requested that the applicants address all of the issues raised by the objector in their address.

The Hearing heard from the applicants who gave a brief overview of the type of event that was proposed. It was a free event for over 18s only and not pitched as a music festival per se but rather an event where people could switch off from their busy lives with inspirational speakers, yoga and an outdoor spa as well as music. A second version of the event safety plan had been submitted of which the applicants highlighted their plans. If the licensing application were successful there was to be a Safety Advisory Group meeting taking place that week.

With reference to the objector's concerns these seemed to be centred on crime and disorder and public nuisance. The concerns around crime and disorder seemed to be with the event becoming larger than intended with unauthorised attendance and the idea of a 'rave.' It had been the intention to keep the location secret until a week before the event, and this was still the case with regards to those who had applied for the tickets, however due to legislative requirements concerning the licensing application etc the local area were now aware of the event, however it was still not being advertised and was not

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a nationally known event. It was a rural location surrounded by farm and woodland and serviced by narrow country lanes. Crowd management/security teams would be in place. It was not possible to perimeter fence the whole site but there would be physical barriers at access points and patrols. All patrons would wear wristbands that would break if tampered with.

The public nuisance concerns expressed by the objector seemed to be around traffic, noise and clearance and restitution of the site. To this the applicants advised that a traffic management plan had been devised along with the same contractors used by Glastonbury Festival. Public transport would be advertised as the preferred option with a free shuttle bus from Borough Green and Wrotham Rail Station. Car parking would be provided at a high fee and at a higher rate if not bought in advance. It was expected that ticket holder would stay for the whole event so there would be minimal traffic movement other than Saturday morning, Sunday evening and Monday morning. There would also be a one way system introduced to ensure free flow in the narrow lanes. At the moment live event data was indicating 4% intended to travel by car. Private sound systems would be prohibited on site and the one music tent would adhere to Noise Council Code of Practice accepted levels for rural venues. A waste management plan had been agreed with a contractor. It was not anticipated that there would be any damage but if there were it would be addressed. It was believed that the plans in place were suitable and proportionate and the fears were based on a hypothetical larger event.

In response to questions the applicants advised that it had been their intention to liaise and advise local residents themselves directly, a local paper had been requested and had agreed not to state the location of the event however they did which was how residents had ended up reading about it before they had approached them. They had been liaising with anyone who contacted them with regards to the licensing notice. The applicant proposed that it may be prudent to liaise with the paper and dispel the rumour that the event was a 'rave.' With regards to noise levels from the music tent there would be inspirational talks being held only 50/60m away so it would not be in the event's own interests to have it too loud. There would be natural breaks in sound during band changeovers but the programme would run from midday to 0200 hours. There would be a proactive sound check on the Friday and 2/3 each event day. There would be no reactive testing unless a complaint was received for which there would be a hotline provided to residents. The applicants were happy to commit to set timings for the sound checks.

At 11.15 am the Hearing Members withdrew to consider the issues raised, with the Council's Legal Advisor and Democratic Services Officer in attendance.

At 11.37 am the Hearing Members, Council's Legal Advisor and Democratic Services Officer returned to the Council Chamber.

The Chairman sought clarification that this was a time limited application for the period 23 to 25 May 2015, and asked why a licence had not been sought for the Monday. The applicants confirmed that it was a time limited application and that it was not intended to hold any licensable activities on the Monday.

The Panel conferred and the Chairman informed the Hearing that the Sub-Committee had had regard to the representations made by the Applicant and interested parties and the Licensing Act 2003, Secretary of State's Amended Guidance issued under Section 182 of the Act and the Council's Statement of Licensing Policy under the Licensing Act 2003 and that it was satisfied that granting the application as applied for subject to two additional

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conditions in relation to time specified sound checks and alcohol sold to those with wristbands only, would be in accordance with the relevant licensing objectives.

It was therefore unanimously,

Resolved: That a Premises Licence in respect of St Clere Estate, Pinetum, St Clere Estate, St Clere, Kemsing, Kent TN15 6NL be granted subject to mandatory conditions, and amendments to licensable activities, operating schedule and additional conditions contained in the notice of determination attached as an appendix to these minutes, be granted.

THE MEETING WAS CONCLUDED AT 11.43 am

Chairman



**Notice of determination for application for a time limited premises licence**

**To:** Innocent Drinks Ltd 342 Ladbroke Grove, London, W10 5BU.

**for:** St Clere Estate Pinetum St Clere Estate St Clere Kemsing Kent TN15 6NL

**Ref:** 15/00535/LAPRE

Sevenoaks District Council being the licensing authority, on the 13 April 2015 received an application for a time limited premises licence in respect of premises known as St Clere Estate Pinetum St Clere Estate St Clere Kemsing Kent TN15 6NL.

On the 13 April 2015 there being valid representation which was received had not been withdrawn, a hearing was held to consider this representation, and having considered it the Licensing Sub-Committee determined as follows:

**To grant the Premises Licence for the period 23 to 25 May 2015:**

Section E	To allow provision of live music on Saturday and Sunday both indoors and outdoors from 12:00 hours until 02:00 hours.
Section F	To allow the provision of recorded music on Saturday and Sunday both indoor and outdoors from 12:00 hours until Sunday 02:00 hours.
Section I	To allow the provision of late night refreshment on Saturday and Sunday both indoors and outdoors from 23:00 hours until 02:00 hours.
Section J	To allow the sale of alcohol for consumption on the premises only on Saturday and Sunday from 12:00 hours until 02:00 hours.
Section L	Hours premises are open to the public on Saturday from 09:00 hours until 00:00 hours. Sunday from 00:01 hours until 00:00 hours and on Monday from 00:01 hours until 16:00 hours.

**The applicant intends to take the following action in order to promote the four licensing objectives:**

**General**

Appointment of qualified and experienced event safety officer who will also act as DPS on site throughout the duration of the event. Event Organisers, in conjunction with safety officer and SAG to produce comprehensive event safety management plan (ESMP) and risk assessments for this event, to include operational plans for traffic management, medical provision and crowd management. Event organisers will implement terms and conditions when selling tickets and code of conduct/rule for attendees on site. These can be seen on the website and in appendix of ESMP.

**The Prevention of Crime and Disorder**

The organisers will engage suitably experienced stewarding (crowd management) and

security staff to ensure procedures are in place for combating crime and disorder. Where appropriate, and in accordance with the Security Industry Association regulations, stewards and security operating will be SIA registered; all supervisors of stewards will be SIA registered and all crown management (stewarding) personnel will be trained to NVQ Level 2 or equivalent or as necessary in accordance with legislation. See v1 ESMP for further specific details and Crowd Management Plan (in later versions).

### **Public Safety**

The organisers will consult with members of the Licensing Partnership and Safety Advisory Group on the proposals within this document to ensure all plans are in accordance with the licensing objectives. The event plans have been developed to meet guidance contained in "The Event Safety Guide" (HSG 195) and Managing Crowds Safely (HSG 154). These plans will be developed through consultation with each agency.

### **The Prevention of Public Nuisance**

The organisers will ensure appropriate noise control mechanisms are in place and that traffic systems are developed to minimise disruption. The organisers will ensure that local residents are notified of such specific event plans where relevant to ensure their views are considered and concerns, where practicable, are allayed.

### **The Protection of Children from Harm**

The organisers have taken the decision to make tickets available to adults only, this is due to the intended event experience being one of peace, relaxation and attendees wellbeing, not due to any adult entertainment content. A Challenge 25 policy will be operated at the main entry gate upon arrival to ensure all ticket holders are aged 18 or over and gave not bought tickets and ignored the condition.

### **To add the conditions on the Licence as follows:**

No sales of alcohol to take place except to those patrons showing authorized wristbands, in order to address gate-crashing concerns.

Pro-active external noise monitoring at nearby noise sensitive residential sites around 2300 hours, 0000 hours and 0100 hours on Saturday and Sunday, to address concerns of public nuisance by way of noise.

### **The supply of alcohol**

Where a premises licence authorises the supply of alcohol, the licence must include the following conditions:-

No supply of alcohol may be made under the premises licence -

- (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal

licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

### **Mandatory Conditions in force from 06 April 2010**

1. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

Irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
  - (i) Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
  - (ii) Drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -
  - (i) the outcome of a race, competition or other event or process, or
  - (ii) the likelihood of anything occurring or not occurring;
- (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that -

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

The decision is to be made with regard to the Licensing Act 2003, Secretary of State's Guidance issued under Section 182 of the Act and the Council's Statement of Licensing Policy. Where the decision departs from the Policy or Guidance the departure must be directed solely at the attainment of the licensing objectives, and such departure must be supported by clear and cogent reasons.

#### **Mandatory conditions in force from 28 May 2014**

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1-

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) "permitted price" is the price found by applying the formula—  $P = D + (D \times V)$

where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or

supply of the alcohol;

- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
  - (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. - (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

#### Door supervision

Any premises which includes a condition that door supervisors must be at the premises to carry out a security activity, shall ensure that each such person is licensed to conduct such activities by the Security Industry Authority.

#### **Conditions consistent with the Operating Schedule**

A challenge 25 policy will be operated at the main entry gate upon arrival to ensure all ticket holders are aged 18 or over.

This licence granted at the Hearing is effective from the 13 April 2015.

Dated: 13 April 2015

Signed .....

Chair – Licensing Hearing

Signed .....

Designation – Licensing Officer

Please address any communications to:

Licensing Partnership

Sevenoaks District Council

Council Offices

PO Box 182

Argyle Road

Sevenoaks

Kent TN13 1GP

**Note:** Pursuant to Part 1 of Schedule 5 of the Licensing Act 2003 as amended, any party eligible to appeal must appeal to a magistrates' court within 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.