

18 April 2018 at 2.00 pm

Council Chamber, Argyle Road, Sevenoaks
Despatched: 10.04.18



Licensing Hearing

Membership (Sub Group A):

Cllrs. Dr. Canet, Clark (Substitute) and Mrs. Morris (Substitute)

(Each Licensing Sub-Committee will contain three Members of the Licensing Committee. Any member of the Licensing Committee may act as a substitute on any of the Licensing Sub-Committees.)

IMPORTANT INFORMATION

If an interested party (e.g. a parish or town council) has not made a "relevant representation" (section 18(6) and (7) of the Licensing Act 2003), it will not receive a notice of the hearing (Reg. 6(1) Hearings Regulations). The interested party will not, therefore be "a party to the hearing" (Reg. 2 Hearings Regulations). There will therefore be no right to address the hearing (Reg. 16 Hearings Regulations). The above also applies to a Member i.e. if s/he does not make a "relevant representation" s/he will not be a "party to the hearing" and has no right to address the hearing unless appointed by "a party to the hearing" to assist or represent that party.

Would you please note that all the reports/information listed on this agenda are available from Democratic Services on request (01732 227000). Alternatively you can make an appointment to view the information at the District Council Offices by contacting the Licensing Partnership Manager on 01732 227000.

Agenda

There are no fire drills planned. If the fire alarm is activated, which is a continuous siren with a flashing red light, please leave the building immediately, following the fire exit signs.

	Pages	Contact
Apologies for Absence		
1. Appointment of Chairman		
2. Declarations of interest		
3. Report to Licensing Sub-Committee following a Receipt of a Representation in Relation to a Temporary Event Notice Given Under the Licensing Act 2003 For Veganfest, Wilderness Farm, Hever - 18/00941/LATEN (Cowden and Hever)	(Pages 1 - 16)	Sharon Bamborough Tel: 01732227325

If you wish to obtain further factual information on any of the agenda items listed above, please contact the named officer prior to the day of the meeting.

Should you need this agenda or any of the reports in a different format, or have any other queries concerning this agenda or the meeting please contact Democratic Services on 01732 227000 or democratic.services@sevenoaks.gov.uk.

1. Procedure at Sub-Committees of the Licensing Committee (established in accordance with Section 9 of the Licensing Act 2003)
 - 1.1 In accordance with Section 9(1) of the Licensing Act 2003, the Licensing Committee has resolved to establish Sub-Committees, each consisting of three members of the Committee.
 - 1.2 The Sub-Committees have delegated authority to determine those functions that are reserved for decision by the Sub-Committees in accordance with Appendix B of the Council's Statement of Licensing Policy dated 7 January 2011.
 - 1.3 Hearings shall be conducted in accordance with this Procedure Note and The Licensing Act 2003 (Hearings) Regulations 2005 subject to the right of the Sub-Committee to vary that procedure at their absolute discretion if considered in the public interest.
 - 1.4 The quorum for a Sub-Committee shall be two members.
 - 1.5 At the commencement of each hearing the Sub-Committee shall elect one of its members as Chairman.
 - 1.6 The order of business at hearings shall be:
 - (a) Election of Chairman.
 - (b) Declarations of interests.
 - (c) Chairman explains the procedure to be followed at the hearing, including the setting of equal time limits for all parties and the granting of adjournments.
 - (d) Chairman ascertains who is assisting or representing the parties.
 - (e) Applicant (or his/her representative) addresses the Sub-Committee.
 - (f) Applicant questioned by members. At the discretion of the Sub-Committee other parties may be permitted to question the applicant.
 - (g) Persons who have made representations in respect of the application(or their representative) address the Sub-Committee. No issues other than those relevant to their representations may be raised.
 - (h) Members question each party at the conclusion of their address. At the discretion of the Sub-Committee, the applicant may be permitted to question other parties.
 - (i) Sub-Committee may offer the parties a short adjournment to discuss in the absence of the Sub-Committee whether a solution acceptable to all the parties can be put to the Sub-Committee.
 - (j) Applicant (or his/her representative) makes closing address.

(k) Sub-Committee may grant a short adjournment. The parties may not speak to members regarding the application during adjournments.

(l) The Sub-Committee considers the application and motions put to accept or reject the application in the terms requested or to grant the application subject to specified conditions. Reasons are to be given for motions.

(m) The parties will be informed of the decision at the hearing or thereafter in accordance with Regulation 26 of the 2005 Regulation.

REPORT TO LICENSING SUB-COMMITTEE FOLLOWING RECEIPT OF A REPRESENTATION IN RELATION TO A TEMPORARY EVENT NOTICE GIVEN UNDER THE LICENSING ACT 2003 FOR VEGANFEST, WILDERNESS FARM, HEVER - 18/00941/LATEN.

Licensing Sub-Committee - 18 April 2018

Report of Chief Officer, Environmental and Operational Services -
Richard Wilson

Status For Decision

Executive Summary: Members' instructions are requested to determine the Notice and decide whether to issue a counter notice if it is appropriate for the promotion of the licensing objectives.

Contact Officer Jessica Foley, Ext. 7480

Recommendation to Licensing Sub-Committee:

Having regard to the Notice and the Environmental Health representation, Members must take such steps (mentioned below) as they consider appropriate for the promotion of the prevention of licensing objectives.

The steps available to the Sub-Committee are:

- To take no action and permit the event in the manner described in the Temporary Event Notice; or
- To issue a counter notice (i.e. refuse the event) under s 105(2)(b) if the sub-committee considers it appropriate for the promotion of the licensing objectives to do so.

Reason for recommendation: Each Temporary Event Notice must be considered on its individual merits and in relation to the licensing objectives under the Licensing Act 2003. Members are asked to consider the options above in light of the individual circumstances of this application and representations and testimony received at hearing.

Introduction and Background

- 1 The procedure for Hearings of Sub-Committees of the Licensing Committee established in accordance with Section 9 of the Licensing Act 2003 is attached to the agenda.
- 2 On 21 March 2018 a temporary event notice was received from Mrs Jobie Baldwin for an event to be known as Veganfest, to take place at Wilderness

Agenda Item 3

Farm, Hever. The consultation end date was the 26 March 2018. A copy of the Temporary Event Notice is attached as **Appendix A**

- 3 On 23 March 2018 a representation was received from Environmental Health (copy attached as **Appendix B**) stating:

‘Previous events at this site have attracted noise problems for residents’

‘This application includes the provision of regulated entertainment (understood to be live bands and a DJ on Friday and Saturday night). I therefore have significant concerns that unless properly regulated (with suitable acoustic conditions, specified operation times) a public nuisance may be caused at nearby residential properties’

- 4 This site has been used for several (separately licensed) events/festivals in recent years, **but does not hold a permanent premises licence**. For information, therefore, it is not an option for the Sub-Committee to add conditions to the notice as a means of promoting the licensing objectives. Although the Licensing Act also permits Environmental Health to amend the terms of a Temporary Event Notice, with the agreement of the premises user, this must occur before the Sub-Committee hearing has commenced.
- 5 The notice is to provide regulated entertainment from 14:00 to 17:00 on 13 July - 15 July 2018 inclusive. The notice states: *The premises is the main event tent in the totem field at Hever Camping. We will be constructing two tents for entertainment, only of which (the main event tent) will be used for amplified music. This is a weekend camping event. There will be kids entertainment, a pay bar (run by Cool Grapes Ltd who are applying separately for their TENS), amplified activism talks and music (both live bands and DJs).*

Statutory Guidance

The parts of the Statutory Guidance (April 2017) which are particularly relevant to this application and the representation received are Chapters:

7 - Temporary Event Notices;

9 -Determining Applications;

15 - Regulated Entertainment.

Licensing objectives and aims

The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.

The licensing objectives are:

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

Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

Consultation

There are no statutory requirements for advertising of a temporary event notice, and only the Police and/or Environmental Health may make representations.

Conclusions

Without prejudice, the Officer would like to draw to Members' attention to issues that they may wish to consider.

The decision is to be made with regard to 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. Where the decision departs from the Policy or Guidance the departure must be directed at the Licensing Objectives and such departure must be supported by clear and cogent reasons

The relevant provision in the Licensing Authority's Statement of Licensing Policy is paragraph 19.7, which states, "where objections are received from the Police and/or EH and not withdrawn, the notice will be referred for a hearing before the Licensing Sub-Committee. The Sub-Committee may approve the TEN as applied for, add appropriate conditions (if the TEN takes place on a premises with an existing premises licence) or reject a TEN by serving a counter notice."

Key Implications

Financial

None directly arising from this report.

Legal Implications and Risk Assessment Statement.

This Hearing is regulated by The Licensing Act 2003 (Hearings) Regulations 2005

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

Agenda Item 3

departure must be directed solely at the attainment of the licensing objectives, and such departure must be supported by clear and cogent reasons.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Appendices

Appendix A - Temporary Event Notice

Appendix B - Representation by Environmental Health

Appendix C - Location maps (for info, from Licensing)

Background Papers

The Licensing Act 2003

Amended Guidance issued under Section 182 of the Licensing Act 2003 (April 2017) (“the Guidance”)

Sevenoaks Statement of Licensing Policy 2015 - 2020 (“the Policy”)

Richard Wilson

Chief Officer for Environmental & Operational Services

Emma Tindall

From: Uniform_Service_Request_Connector-Licensing@sevenoaks.gov.uk
Sent: 21 March 2018 15:01
To: Licensing
Subject: Uniform LI Connector: New Licensing application notification

A new Uniform Licensing application has been created by the Licensing Connector server.

Application Reference Value: 18/00941/LATEN Application Type: LATEN Application CaseType: NEW Application
Address: Wilderness Farm Wilderness Lane Hever Kent TN8 7LP
Created: 21/03/2018 00:00:00
Message sent from host name WKIP-SOAP-15 by user LicensingConnectorService_LIVE at 21/03/2018 15:00:37.

You have been sent this message because your address is defined as a contact address in the Uniform Licensing Connector configuration. Contact your Uniform systems administrator if you no longer wish to receive this message.



The Licensing Partnership

Temporary Event Notice

Sevenoaks District Council, Tunbridge Wells Borough Council, Maidstone Borough Council and London Borough of Bexley have a Licensing Partnership to process and issue licensing applications.

Licensing Officers are located at each local licensing authority, together with admin support to deal with people visiting the Gateways and Tunbridge Wells Town Hall.

Thank you for using the Licensing Partnership self service. Before completing the form, please be aware of the following information:

Form Submission:-

When you have completed the application form please submit it. When you submit the application, you will receive an electronic response which will be sent directly to the email address provided in the application.

Payment:-

If you are submitting an application which requires a payment, please have your credit or debit card to hand as payment can be made upon submitting your application form. Applications requiring a payment will only be validated once payment is confirmed.

General Information:-

If you have any problems with completing the form please contact licensing@sevenoaks.gov.uk

For official use only

Title	Customer Name
Mrs	Jobie, Baldwin
DOB	NINO
TEL	
Email	
Customer Address	
Caterham	
Surrey	
Date Form Started	21/03/2018 14:37:35
Date of E-signing	
Date Submitted	
Data Validation Ref	
Occupancy type	
Advisor Name (who started form)	
Advisor Department	

Form Filename	
Form Reference	Jobie, Baldwin
Caps Reference	

Notes

Licensing Authority: **The Licensing Partnership**

Licensing Partnership
P.O. Box 182
Sevenoaks
Kent TN13 1GP

Temporary Event Notice

Please Note: You will need to make a payment of £21.00 before the form submission can be accepted. You will be directed to pay when you submit the form.

Information on the Licensing Act 2003 is available at www.sevenoaks.gov.uk/licensing

Before completing this form **please read the guidance notes at the end of the form.**

You may wish to keep a copy of the completed form for your records.

I, the proposed premises user, hereby give notice under section 100 of the Licencing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

Please select the Council where the premises is situated:

Sevenoaks District Council

1. Personal Details of Premises User (Please read note 1)		
1. Your name		
Title	Forenames	Surname
Mrs	Jobie	Baldwin
2. Previous names (if relevant)		
3. Your date of birth		
4. Your place of birth		London
5. National Insurance Number		
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)		
<div style="background-color: black; width: 100px; height: 40px;"></div>		
7. Other contact details		
Telephone numbers		
Daytime		
Evening (optional)		
Mobile (optional)		
Fax number (optional)		
Email address		

Licensing Authority: *The Licensing Partnership*

Ref:

8. Alternative address for correspondence (Address for correspondence associated with this application, if different to the previous address)

9. Alternative contact details (if applicable)

Telephone numbers

Daytime		
Evening (optional)		
Mobile (optional)		
Fax number (optional)		
E-Mail address (optional)		

2. The Premises

Please select the address of the premises where you intend to carry out the licensable activities. If there is no address please select the street record in the address lookup and supply further details of the location (including ordnance Survey references) (Please read note 2).

Wilderness Farm
Wilderness Lane
Hever
Kent
TN8 7LP

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.

Premises licence number		
Additional address information	Hever Camping	

Do you intend to use the whole of the premises at this address (Please read note 3)
 (If no, please give a description and details below)

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

We will be using one field for activities and at least one other field for parking / camping.

Please describe the nature of the premises below. (Please read note 4)

The premises is the main event tent in the totem field at Hever Camping. We will be constructing two tents for entertainment, only of which (the main event tent) will be used for amplified music.

Please describe the nature of the event below. (Please read note 5)

This is a weekend camping event. There will be kids entertainment, a pay bar (run by Cool Grapes Ltd who are applying separately for their TENS), amplified activism talks and music (both live bands and DJs).

Licensing Authority: *The Licensing Partnership*

Ref:

3. The Licensable Activities

Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the licensable activities you intend to carry on - either double click with the mouse, or press the space bar in the relevant field). (Please read note 6)

The sale by retail of alcohol	
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	
The provision of regulated entertainment (Please read note 7)	X
The provision of late night refreshment	
Are you giving a late temporary event notice? (Please read note 8)	

Please state the date and times on which you intend to use these premises for licensable activities. (Please read note 9) Please give times in 24 hour clock. eg. 19:00. (Please read note 10)

Start Date	13/07/2018	Time	14:00	End Date	15/07/2018	Time	17:00
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Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11)

499

If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box). (Please read note 12)

On the premises only	
Off the premises only	
Both	

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment. (please read note 13)

No

4. Personal Licence Holders (Please read note 14)

	Yes	No
Do you currently hold a valid personal licence? (Please mark an "X" in the box that applies to you)		X
If "Yes" please provide the details of your personal licence below.		
Issuing licencing authority		
Licence number		
Date of issue		
Date of expiry		
Any further relevant details		

5. Previous Temporary Event Notices you have given (Please read note 15)

	Yes	No
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? (Please mark an "X" in the box that applies to you)		X
If answering yes, please state the number of temporary event notices you have given for events in that same calendar year		
	Yes	No
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)		X

Licensing Authority: *The Licensing Partnership*

Ref:

6. Associates and business colleagues *(Please read note 16)*

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes

No

☐☒

If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

a) ends 24 hours or less before; or

b) begins 24 hours or less after the event period proposed in this notice?

(Please mark an "X" in the box that applies to you)

Yes

No

☐☒

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)

Yes

No

☐☒

If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

a) ends 24 hours or less before; or

b) begins 24 hours or less after the event period proposed in this notice?

(Please mark an "X" in the box that applies to you)

Yes

No

☐☒**7. Condition** *(Please read note 17)*

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

Declaration

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8. Declarations (Please read note 18)

The information contained in this form is correct to the best of my knowledge and belief.

I understand that it is an offence:

(i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and

(ii) to permit an unauthorised licensable activity to be carried on at any place an that a person is liable on conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six (6) months, or to both.

Please tick the box if you agree with the declarations above.


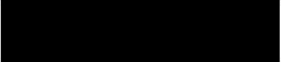
☒

Date	21/03/2018
Name of Person signing	Mrs Jobie Baldwin

For completion by the Licensing Authority

9. Acknowledgement (Please read note 19)

I acknowledge receipt of this temporary event notice.

SIGNATURE		DATE	22.3.18
On behalf of the Licensing Authority			
Name of Officer Signing			

For Official Use

Ref 2

Ref 1 Jobie, Baldwin

Ref 3

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Sharon Bamborough

From: publicaccess@sevenoaks.gov.uk
Sent: 23 March 2018 16:09
To: Licensing
Subject: Consultee Comments for Licensing Application 18/00941/LATEN

A consultee has commented on a Licensing Application. A summary of the comments is provided below.

Comments were submitted at 4:08 PM on 23 Mar 2018 from nick.chapman@dartford.gov.uk.

Application Summary

Reference: 18/00941/LATEN
Address: Wilderness Farm Wilderness Lane Hever Kent TN8 7LP
Proposal: Temporary Event Notice
Case Officer: Emma Tindall
[Click for further information](#)

Comments Details

Unfortunately previous festival type events held at this location (Temporary Event Notices and Premises Licences) have resulted in noise problems for residents in the vicinity. These issues have resulted from the exceptionally low background noise levels at this location which as a consequence results in any untypical noise (amplified music and particularly bass) being readily audible.

Comments:

This application includes the provision of regulated entertainment (understood to be live bands and a DJ on Friday and Saturday night). I therefore have significant concerns that unless properly regulated (with suitable acoustic conditions, specified operation times) a public nuisance may be caused at nearby residential properties.

With consideration to the above, I consider that the proposed TEN has not demonstrated that this event is acceptable at this location and therefore I wish to object to this application.

Nick Chapman
 Environmental Protection Team

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