

LICENSING ACT 2003 - Section 23

Notice of determination for application premises licence

To: Phizzwizzards Ltd

of: Shakespeare Martineau, Chancery House, 199 Silbury Boulevard, Milton Keynes MK9 1JL

Ref: 16/00847/LAPRE

Sevenoaks District Council being the licensing authority on 24 March 2016 received an application for a premises licence in respect of premises known as Leppards Wilderness Farm, Wilderness Lane, Edenbridge TN8 7LP.

On 23 May 2016, there being valid representations which were received and which had not been withdrawn, a hearing was held to consider these representations and having considered them the Licensing Sub-Committee determined as follows:

To grant the Premises Licence:

Section A: Performance of Plays both indoors and outdoors

28 July 14:00 to 23:59 hours
29 July 00:00 to 03:00 and 09:00 to 23:59 hours
30 July 00:00 to 05:00 and 09:00 to 23:59 hours
31 July 00:00 to 05:00 hours

Section B: Exhibition of films both indoors and outdoors

28 July 14:00 to 23:59 hours
29 July 00:00 to 03:00 and 09:00 to 23:59 hours
30 July 00:00 to 05:00 and 09:00 to 23:59 hours
31 July 00:00 to 05:00 hours

Section E: Live music both indoors and outdoors

28 July 14:00 to 23:59 hours
29 July 00:00 to 03:00 and 09:00 to 23:59 hours
30 July 00:00 to 05:00 and 09:00 to 23:59 hours
31 July 00:00 to 05:00 hours

Section F: Recorded music both indoors and outdoors

28 July 14:00 to 23:59 hours
29 July 00:00 to 03:00 and 09:00 to 23:59 hours
30 July 00:00 to 05:00 and 09:00 to 23:59 hours
31 July 00:00 to 05:00 hours

Section G: Performance of dance both indoors and outdoors

28 July 14:00 to 23:59 hours
29 July 00:00 to 03:00 and 09:00 to 23:59 hours
30 July 00:00 to 05:00 and 09:00 to 23:59 hours
31 July 00:00 to 05:00 hours

Section H: Anything of a similar description to live music, recorded music and performance of dance that would not be classified as such both indoors and outdoors

28 July 14:00 to 23:59 hours

29 July 00:00 to 03:00 and 09:00 to 23:59 hours

30 July 00:00 to 05:00 and 09:00 to 23:59 hours

31 July 00:00 to 05:00 hours

Section L: Late night refreshment both indoors and outdoors

28 July 23:00 to 23:59 hours

29 July 00:00 to 05:00 and 23:00 to 23:59 hours

30 July 00:00 to 05:00 and 23:00 to 23:59 hours

31 July 00:00 to 05:00 hours

Section M: Sale of Alcohol both on and off the premises

28 July 14:00 to 23:59 hours

29 July 00:00 to 03:00 and 10:00 to 23:59 hours

30 July 00:00 to 05:00 and 10:00 to 23:59 hours

31 July 00:00 to 05:00 hours

To add the conditions on the Licence as follows:

Conditions Imposed by the Licensing Authority

1. Between 23:00 hours and 05:00 hours music volume within the licensed premises shall be such that a noise limit of 35 dB(A) is not exceeded over a 15 minute period at the nearest residential premises in respect of which the occupier has not agreed to a higher limit.
2. The management of the noise levels to secure compliance with these conditions shall be undertaken by an engineer who is independent of the applicant and who shall have independent control of the sound system in the event that the limits are exceeded. The engineer shall keep records of readings made at least hourly during the period that amplified music is being played and the licensee shall make these records available to the Licensing Authority.
3. Notices shall be erected in the car park and announcements made over the public address system towards the end of the event with the aim of discouraging people from driving whilst under the influence of alcohol.

Conditions Consistent with the Operating Schedule

Licence to apply from 28 July 2016 to 31 July 2016 only.

4. The event will operate in accordance with all aspects of:

Campsite management Plan V3 20 May 2016

Event management plan V3 17 May 2016

Noise management plan V3 16 May 2016 (except as overridden by

conditions following a hearing)
Event medical plan V3 15 May 2016
Traffic management plan V3 15 May 2016
Security management plan V3 10 May 2016
Drug handling Policy V1.3
Ejection Policy V2.0
Evidence gathering camera Policy V1.2
Front stage pit barrier management Policy V2.2
Crowd management plan V1
Unpermitted entry Policy V1.1
Drugs and NPS Policy V1.1

including specifically the following aspects of the event management plan as submitted to the Licensing Authority:

5. The maximum capacity will be 4999 persons including staff at any one time.
6. SIA licensed security will be used in any positions where searching, refusal of entry, patrolling or intervention may be required and at the sites of all licensable activities.
7. Stewards and volunteers will be used to assist with general information and monitoring of activity around the site; this team will not replace or replicate the provisions of the SIA licensed security team.
8. The publicly available control point will be the security wristband check area marked on the site map. This will provide 24hr assistance to attendees and a point of contact to the organisers for public attendees.
9. All attendees, staff and performers must be issued with a cloth wristband upon entry for identification purposes. Production passes shall be via lanyards, which shall be signed out at the beginning of the week. Adult wristbands will only be given to those aged 18 and over.
10. It shall be a condition of entry that each attendee will be searched upon entry to the event site. Any contraband material found during searches will be confiscated and appropriate action will be taken by the security team.
11. Contraband material is classed as drugs, weapons, glass bottles, fireworks, sparklers, excess alcohol, alcohol carried by under 18s, large sound systems, large gas canisters.
12. The premises shall operate a 'Challenge 25' policy at the entrance to the event and at the points of sale of alcoholic drinks.
13. The accepted forms of identification shall be photographic ID such as a valid passport, driving licence or a photo card bearing the PASS hologram. Anybody without valid identification will be refused an adult wristband. A further challenge will be made at the point of sale if there is any doubt about the attendee's age.
14. If any drugs are detected they will be confiscated, the offending patron

detained and the police informed.

15. If any weapons are found they will be confiscated and the police called.
16. A licensed security team will be available for easy deployment to any incident on or off site.
17. The security system will provide loud hailer for use during any partial or full evacuation.
18. If a customer is required to be escorted off site in non operational hours, the police will be called to discuss the incident.
19. Children aged 16 and under must be accompanied by an adult aged 21 years or over at all times during the festival. Parents will not be allowed to drop children off and leave them for the day, they must remain with their children at all times. Those aged 17 and over may attend of their own accord.
20. Lost persons can report to the welfare team as can reports of missing persons. The production manager must be informed. If the lost person is deemed to be vulnerable then only persons with a valid DBS clearance will be allowed to handle the issue.
21. Key staff shall be issued with a radio; this includes key staff at the site of each licensable activity and the security team.
22. All staff shall be provided a contact sheet prior to the event stating the frequencies each team will be using on the radio and a list of mobile numbers in the event of radio failure.
23. Anti-climb heras fencing will be used to enclose the site erected in line with the site map to act as screening between the event site and non event space. This will be patrolled by SIA accredited security at all times.
24. Walkways must be marked by stakes and rope. Safety barriers must be used in front of stages and to cordon off non public areas.
25. Site lighting must be positioned around the event site. Two sets of lighting shall be maintained, one for general use and another for emergency use in the instance that the generator, electrical systems or general use lighting fail or have to be switched off.
26. Toilets and showers, Production area, Campsites, Emergency Exits and Security Positions will be lit at all times after sundown.
27. There will be clear and legible signage a minimum size of 3m x1m to be erected at a minimum height of 16 foot to direct patrons to the Emergency Services Rendezvous Point.
28. All emergency exits will be clearly denoted using the standard form of white lettering on a green background and illuminated and displayed at height visible above the crowd. The main entrance, first aid point, water taps and control point will also be signposted. Safety advice shall also be delivered.
29. Posters will be displayed at the main exit asking attendees to leave quietly, stewards will amplify this message verbally.
30. Vehicle routes will be created and kept clear to provide the best possible

access to emergency vehicles in the event of an emergency, these are the areas marked on the site map in red.

31. Generators shall run on diesel or from renewable sources such as solar power. No petrol generators will be permitted and no other generators will be permitted on site. Generators must be inaccessible to attendees.
32. All concessions attending must carry one 2kg dry powder extinguisher and one fire blanket at part of their setup. Any deep fat frying units shall carry one additional 9L wet chemical extinguisher and proof of training.
33. In the event of a fire any member of staff or security will communicate this to the production office via radio. The production office will dispatch fully briefed security response teams to deal with the incident, telephone the fire brigade and begin a partial or full evacuation in accordance with the risk assessment supplied to the Authority.
34. Information and emergency directions will be broadcast to the public using the PA systems available in each venue.
35. Noise between 9:00 and 23:00 must be maintained at all times at a maximum limit of 65dB (A) over a 15 minute period at the nearest noise sensitive premises and at every nearby noise sensitive premises.
36. The music noise level arising from the event shall not exceed a C-weighted limit of up to 70db in either of the 63Hz or 125Hz Octave frequency band at 2km and beyond.
37. Noise between 23:00 and 09:00 has been considered in detail by Licensing Sub-Committee and the limits set by this Committee are reproduced in this authorisation. These limits must be maintained as a maximum at all times between 23:00 and 09:00.
38. The sound engineer will be responsible for ensuring compliance with all noise related conditions and in ensuring compliance with the noise management plan.
39. The noise management engineer must be provided with direct communication with all relevant parties through the use of site radios.
40. A direct telephone line must be made available in order to receive any noise complaints from members of the public. The line must be manned for the duration of the event with details provided to the public of event hours. The complaint contact number must be provided to the public at least 5 days prior to the event.
41. A complaints log must be kept detailing the details of the complaints received and action must be taken in accordance with the assessment as outlined in the event plan.
42. Should a noise complaint be received a noise measurement will be taken from the location of the complaint by the noise management engineer. If any noise limit is found to be exceeded, immediate action will be taken to reduce the noise level. Instructions will be transmitted by radio to the sound engineers at the mixing desk positions to reduce the level onsite until a satisfactory offsite reading is achieved.

43. All vehicles on site will abide by a strict 5mph speed limit.
44. All plant vehicles will be escorted by a banksman at all times.
45. No dogs will be permitted on site.
46. No unaccompanied children will be allowed on the site, if this occurs, the production works must cease.
47. Headlights of amber rotating beacons will be required to be on in all areas except the public car park for moving vehicles.
48. All staff are required to wear the correct Personal protective equipment (PPE) for the activities they are undertaking at all times. All PPE must be in a clean and useable state.
49. Fuel will be locked and only available to the authorised people.
50. No fuel can be brought onto the site other than that authorised.
51. Public car parking will be managed through experienced traffic management staff that shall be fully visible and identifiable during the duration of the event.

Licensing Act 2003

52. 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.

The Licensing Act 2003 (Mandatory Conditions) Order 2014

53. 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.
54. 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.
55. 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.
56. (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.

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010

57. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an 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—
- (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 in a manner which carries a significant risk of undermining a licensing objective;
 - (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 in a manner which carries a significant risk of undermining a licensing objective;
 - (d) 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;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
58. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
59. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) 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 either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
60. The responsible person must 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;

- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Exhibition of films

61. Where the film classification body is specified in the licence, unless subsection (b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

Where -

- (a) the film classification body is not specified in the licence, or
- (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

In this section -

"children" means person aged under 18; and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Door supervision

62. 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.

For the following reasons:

Prevention of Crime and Disorder

The members of the Sub-Committee noted the written and oral representations made regarding the potential for increased crime and disorder off the licensed premises but were of the opinion that there were no additional measures that could be taken by the licensee to supplement the role of other statutory bodies. The Sub-Committee had particular regard to the absence of relevant representations from the police, especially as the Sub-Committee heard that the licensee had met with the police to discuss the proposed event.

The members of the Sub-Committee noted the measures to be carried out by the licensee within the licensed premises and were of the opinion that these would be sufficient to manage any crime and disorder during the event.

Prevention of Public Nuisance

The members of the Sub-Committee took note of the advice from the

Environmental Health Officers that the applicant's predicted noise levels at noise-sensitive locations, including nearby residential properties, the Hever Festival Theatre and local wedding venues during the hours of 09:00 - 22:59, were in accordance with the relevant Code of Practice and not sufficiently high to constitute a public nuisance.

The members of the Sub-Committee noted the request from the Applicants to disapply The Noise Council's Code of Practice on Environmental Noise Control at Concerts and the concerns at applying it. They were informed by and gave greater weight to the Environmental Health Officers' submissions that (a) this Code of Practice is considered by the authority to describe current best practice notwithstanding criticisms made by the Applicant and within the industry, and (b) the ambient noise level in this rural location during the hours of 23:00 - 05:00 was in the region of 23 - 26 dB(A) and it was stated that, notwithstanding the WHO guidelines, a noise level at residential properties, with open windows, of more than 10 dB(A) above this level would be likely to be significant or material and/or constitute a public nuisance.

The Sub-Committee also noted that the nearby theatre had represented that a level not exceeding 50dB (A) would be acceptable during its performances, and evidence that nearby wedding venues were likely to be most sensitive to noise between the hours of 12 noon and 4pm.

The members of the Sub-Committee noted the written and oral representations made regarding potential litter on and around the site as a result of the event. The Sub-Committee believed the Event Management Plan adequately dealt with the concerns.

Concerns were raised through representations at the impact of traffic from the event. The Sub-Committee considered that, to the extent these related to the Licensing Objectives, all reasonable steps had been agreed to be taken in the Traffic Management Plan.

Public Safety

Written and oral representations regarding the possible contamination of the land and water in the licensed premises were noted by the members of the Sub-Committee but they considered that although the existence of alternative statutory controls to mitigate these risks did not preclude their relevance to the licensing objectives, in the circumstances of this application these issues would be more properly be dealt with under environmental protection legislation before the start of the period covered by the premises license.

Some oral representations expressed concern about the possibility of customers driving vehicles off the site at the close of the event whilst still under the influence of alcohol if bars had been open until 05:00 hours that morning. The members of the Sub-Committee did not consider this had been adequately addressed in the Event Management Plan.

Protection of Children from Harm

The members of the Sub-Committee noted the measures to be taken by the licensee to prevent children from entering areas of the site where there was entertainment unsuitable for children and they considered that these would be adequate to mitigate the potential risk.

Written and oral representations about the possibility of harm to children because of excessive noise or sleep deprivation were noted but the members of the Sub-Committee believed that supervision by parents or guardians would be adequate to ensure that no harm was likely to occur, noting that the Applicant would make ear defenders available upon request to children for a small refundable deposit.

This licence granted at the Hearing is effective from 23 May 2016

Dated: 26/05/2016

Signed

Chair - Licensing Hearing

Signed

Designation -

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.