

REPORT TO LICENSING SUB-COMMITTEE FOLLOWING RECEIPT OF A REPRESENTATION IN RELATION TO AN APPLICATION FOR A PREMISES LICENCE FROM PHIZZWIZARDS LIMITED FOR A TIME LIMITED PREMISES LICENCE UNDER THE LICENSING ACT 2003 - 18/01654/LAPRE.

Licensing Sub-Committee - 12 July 2018

Report of Chief Officer Environmental & Operational Services -
Richard Wilson

Status For Decision

Key Decision No

Executive Summary:

This report provides members with information relating to a time limited Premises Licence application under The Licensing Act 2003 in respect of Neverworld, Wilderness Farm, Wilderness Lane, Hever, Kent. TN8 7LP.

The proposed time-limited Premises Licence is to cover the licensable activities associated with this music festival which has a maximum capacity of 4999 persons from 2nd August 2018 to 5th August 2018.

The operating hours proposed for the event commence on Thursday 2nd August at 12:00pm and cease on Sunday 5th August at 12:00pm with regulated entertainment being provided on a 24 hours basis and sales of alcohol until 02:00am each night.

The last time-limited Premises Licence in 2017 lead to complaints from nearby residents in respects to noise nuisance. Representations have been received from 7 local residents, Environmental Protection, Kent Police, Parish Council(s) and a representation made by the Head of the Licensing Partnership.

Contact Officer Michael Moss, Ext. 7364

Recommendation to Licensing Sub Committee:

Options available to members are:

- a) To grant the Application in full on the terms and conditions contained within the operating schedule along with relevant mandatory conditions
 - b) To grant the application, modified to such an extent as considered appropriate in order to satisfy any relevant representations so as to adequately promote the licensing objectives
 - c) To exclude from the scope of the licence any of the licensable activities
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- d) To refuse to specify a person in the licence as the premises supervisor
 - e) To refuse the application in its entirety.
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Reason for recommendation: Each application 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

- 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 16th May 2018 a new time-limited premises licence application was made by Phizzwizards Ltd Room 204 Shakespeare Business Centre, 245a Coldharbour Lane, Brixton, London SW9 8RR. A copy of the time limited application is attached as **Appendix 1**.
- 3 The application was validated on 16th May 2018 and the consultation end date was 14th June 2018.
- 4 A holder of a Premises Licence, when offering any licensable activity, must ensure they promote the licensing objectives at all times. The Operating Schedule of the application which is contained in a separate document attached as **Appendix 2** contains details of the control measures that the applicant will have in place in order to promote the licensing objectives.
- 5 The premises application is proposed to permit the Neverworld Festival 2018 within Hever camping fields which is a woodland area totalling approximately 43 hectares. The site location and layout plans are attached as **Appendix 3**.
- 6 The proposed operating times of each zone is attached as **Appendix 4**.

Background Information

- 7 Under the name Leefest (Neverland), similar events have been held on the same site on 28-31 July 2016 and 10-13 August 2017, each under a time-limited Premises Licence. The events provided similar activities to those applied under this application.
- 8 This event is an adaption of the previous year's Leefest (Neverland) which was held outdoors on the same site (Wilderness Farm). This year the event has been rebranded under the name 'Neverworld' and is proposed to commence on 2nd August 2018 and end 5th August 2018.

- 9 Setup time will start up to two days before the event and the site clean-up was agreed (at a Public Consultation Meeting at Markbeech Village Hall on 6th June 2018), to take no more than seven days after the event.

Statement of Intention

- 10 Neverworld has evolved over the last 10 years from Leefest. The aim is to bring people together by providing a small scale, family friendly music and arts festival to celebrate life and be inspired by the arts by supporting emerging artists, engaging communities while allowing people to enjoy the outdoors as part of the great British festival experience.
- 11 The website promoting Neverworld by Leefest says it is “a spectacular immersive kingdom of music, party and wonder” it goes on to say “With 11 stages and 24 hours of music and partying” and gives a statement from Annie Mac which reads “A mini Glastonbury”.
- 12 Attendees have been informed under the terms and conditions the promoter reserves the right to make changes to the advertised line-up, artists, performers, attractions and activities at any time without notification.
- 13 The event programme consists of a wide range of art forms and activities including; live music, DJ’s, cabaret, communal campfire, cinema, comedy, craft makers and workshops, dance classes, games, sports, glitter wrestling, hot tubs, art installations, magic, paint fights, spoken word, street foods, theatre, debates and yoga.
- 14 This year is proposed to headline Bastille and Clean Bandit, both of which are high profile recognised artists.
- 15 **Bastille** is the winner of the 2014 Brit Award British Breakthrough Act, the 2017 NME Award for Best Album and 2018 NME Award for Best Collaboration. They were nominated as best British Group at the Brit Awards in 2017 and for the same category at the NME Awards in 2018.
- 16 **Clean Bandit** is the winner of the 2014 Urban Music Award, the 2015 Grammy Award for Best Dance Recording. They were nominated as best British Group at the Brit Awards in 2015, best British Single of the Year and best British Video in 2017 and best British Single of the Year in 2018.
- 17 The majority of attendees will be aged between 23 to 35.

Event Overview

18 An overview of the event and the licensing activities being applied for are:

Date:	2 nd August - 5 th August 2018
Location:	Wilderness Farm (Hever TN8 7LP)
Premises Type:	Outdoor woodland area
Site capacity:	4999
Event Type:	Community festival with amplified music outdoor under controlled arenas
Audience Profile:	Over 18s
Proposed hours of operation:	Thursday 2 Aug: 12:00 - 23:59 Friday 3 rd Aug: 00:00 - 23:59 Saturday 4 th Aug: 00:00 - 23:59 Sunday 5 th Aug: 00:00 - 12:00

19 The application seeks a premises licence to permit the following activities:

Performance of Plays both indoors and outdoors

02 Aug 12:00 to 23:59

03 Aug 00:00 to 23:59

04 Aug 00:00 to 23:59

05 Aug 00:00 to 12:00

Exhibition of films both indoors and outdoors

02 Aug 12:00 to 23:59

03 Aug 00:00 to 23:59

04 Aug 00:00 to 23:59

05 Aug 00:00 to 12:00

Boxing and wrestling both indoors and outdoors

02 Aug 12:00 to 23:59

03 Aug 00:00 to 23:59

04 Aug 00:00 to 23:59

05 Aug 00:00 to 12:00

Performance of live music both indoors and outdoors

02 Aug 17:00 to 02:00

03 Aug 10:00 to 02:00

04 Aug 10:00 to 02:00

Playing of recorded music both indoors and outdoors

02 Aug 17:00 to 02:00

03 Aug 10:00 to 02:00

04 Aug 10:00 to 02:00

Performance of dance both indoors and outdoors

02 Aug 17:00 to 02:00

03 Aug 10:00 to 02:00

04 Aug 10:00 to 02:00

Late night refreshment both indoors and outdoors

02 Aug 23:00 to 23:59

03 Aug 00:00 to 05:00

03 Aug 23:00 to 23:59

04 Aug 23:00 to 23:59

04 Aug 00:00 to 05:00

Sale of alcohol for consumption on the premises only

02 Aug 12:00 to 02:00

03 Aug 10:00 to 02:00

04 Aug 10:00 to 02:00

- 20 The films shown will be classified with age limits by the British Board of Film Classification. There will be some mildly explicit sexual content in the cabaret shows. The organiser has stated their intention for these to take place in closed marquees in which children will not be admitted.
- 21 On page 6 of the application form the applicant has ticked box (h) for any regulated entertainment of a similar description to live music, recorded music or performance of dance. The activities proposed and discussed fall within the licensable activities proposed and any other entertainment would be deemed as a street performance.
- 22 Members are reminded that they may only have regard to promotion and upholding of the licensing objectives in relation to the licensable activities under the Licensing Act 2003 in determining this application. It is however an offence to undertake any licensable activity other than in accordance with a licence or other authorisation under the 2003 Act.

Prevention of Crime & Disorder

- 23 As part of the Operating Schedule the applicant has identified three areas of concern; these include **Drugs, Violence and Egress Dispersion**.

- 24 Within the Management Plan the applicant states “Police presence at the event is always welcomed, though we feel that it is not necessarily required considering the private security arrangements we will have in place. Kent Police has not made any recommendation for officer to be on site at the event.
- 25 The organisers will be operating amnesty bins at the entrance to the event and to the arena. The festival operates a zero tolerance policy and persons found with drugs will have them confiscated, the individual detained and the Police informed. In addition Welfare Councillors will be onsite to offer information on the dangers of drugs.
- 26 While violence is not expected from the profile of those attending, measures will be in place to prevent and/ or deal with incidents effectively. A licensed security team will be available for immediate deployment on or off the site when necessary.
- 27 The security team will also carry out a post event crowd dispersal plan to minimise any disorder or potential public nuisance.

Door Supervisors, Stewards & Marshalls

- 28 SIA licensed security will be used in any position where searching, refusal of entry, patrolling or intervention may be required.
- 29 Stewards and volunteers will be used to assist with general information, the team will not replace or replicate the provisions of the SIA licensed security team; stewards and volunteers will be trained before the event commencement.

Age Verification Policy

- 30 Any attendee that is 16 or under must be accompanied by a responsible guardian over the age of 21, any attendees who are 17 years of age will be permitted to attend on their own but must wear an under 18s wristband which has the contact details of their parent/ guardian.
- 31 Coloured wristbands will be issued to identify individuals, such as those who are under the age of 18.

Public Safety

Capacity limitations and gate management

- 32 The event capacity will be capped at a maximum of 4999 people.

- 33 A ticket scanning system will be in operation to give accurate measure of the amount of public inside the event at any given time.

Risk Assessment & method statements

- 34 An Event Management Plan detailing the steps taken in case of an emergency is attached as **Appendix 5**
- 35 Prior health & safety checks, risk assessment & method statements will be carried out on temporary structures, sound & light, electrical, vehicle access, emergency exits etc.... to ensure public safety over all aspects.

Barriers & Fencing

- 36 Anti-climb heras fencing will be used to enclose the site erected in line with the site map. Suitable safety barriers will be used in front of stages and to cordon off non-public areas, such as around generators, trip hazards and to form lane queues.
- 37 Walkways will be marked by stakes and rope and be lit using festoon lighting powered by generators.

Medical provisions & emergency vehicles

- 38 The applicant has stated 'a number' of vehicle routes will be created and kept clear to provide the best possible access to emergency vehicles in the event of an emergency.
- 39 The provision of first aid during the event will be provided by 'Event Fire & Medical Solutions'. They will be the first responders in any medical emergency and will be responsible for telephoning the emergency services if it is required.
- 40 A 50m diameter exclusion zone, east of the site has been reserved should the air ambulance be required to attend.

Prevention of Public Nuisance

Sound and Noise Management

- 41 Chris Beale from SPL Track Environmental has produced a Noise Management Plan (v2) on 17th May 2018; attached as **Appendix 6**
- 42 The plan breaks down the management structure of the noise monitoring team and how communications will be undertaken to ensure a direct and, where possible, immediate response.

- 43 The noise management plan was considered by Environmental Protection during the consultation period and in their objection they state “I do not consider that the application and supporting documentation provides sufficient reassurance that the licensing objective ‘ The Prevention of Public Nuisance ‘ will be met.

Consultation

- 44 The regulations to the Licensing Act 2003 outline the requirements for the advertising of applications. These require the applicant to advertise the application:
- a. For a period of no less than 28 consecutive days starting on the day after the day on which the application was given to the relevant licensing authority to display a white notice prominently at or on the premises to which the application relates where it can be conveniently read from the exterior of the premises. It was noted that the notice was displayed upon the premises for the 28 day consultation period which ended 14th June 2018.

The public notice was displayed along the boundary line of Wilderness Farm and inspected by the Licensing Officer on 23rd May 2018 and again on 8th June 2018.
 - b. By publishing a notice in a local newspaper on at least one occasion within 10 working days of submitting the application.
- 45 Regulations also require that the applicant give a copy of the application to each responsible authority on the same day as the day upon which it is given to the licensing authority. As the application was electronic, the requirement to serve the application was met by the licensing authority.
- 46 There are no other statutory requirements for advertising of any application, however, details of all applications received along with the time limit for receipt of representations is posted on the Council website via the weekly premises tracker and the public and councillors have public access.

Representations received from statutory consultees:

Kent Fire & Rescue Service	NO COMMENTS RECEIVED
Trading Standards	NO COMMENTS RECEIVED
Social Service	NO COMMENTS RECEIVED

Environmental Health and Safety	NO COMMENTS RECEIVED
Public Health Department	NO COMMENTS RECEIVED
Environmental Protection	REPRESENTATION MADE
Development Control	NO COMMENTS RECEIVED
Kent Police	REPRESENTATION MADE

- 47 **Environmental Protection** commented “I have concerns that the nature and extent of the proposed event will result in undue noise disturbances (from regulated entertainment) at nearby neighbouring properties... given to the extremely quiet nature of the area around the event venue and the night time music levels proposed by the applicant... (it) will mean that noise from the event is audible and potentially disturbing throughout the night.” The full representation is attached as **Appendix 7**.
- 48 **Kent Police** commented “While the operating schedule covers the majority of what would be anticipated to show adequate control and management of the premises Kent Police has identified areas which could be improved.
- 49 It should be noted at this time that the Police Licensing Officer has had sight of an Event Management Plan but not Security/Crowd Management Plan or Traffic Management Plan to aid with the assessment of the risk of this event.”. Conditions were presented to and agreed by the applicant; full details are attached under **Appendix 8**.

Representation received from the Parish Council(s):

- 50 The proposed site impact on residents served by two Parish Councils, that being **Hever Parish Council** and **Chiddingstone Parish Council**; both Parish Councils have made formal representation.
- 51 Chiddingstone Parish Council said they were content the festival could run safely and largely free from trouble but recognised there were significant breaches of the Db level and insufficient controls and enforcement at last years event. The applicant has agreed the following conditions, proposed by the Parish Council, may be imposed on the Premises Licence.
1. Bespoke technology to limit the base frequency.
 2. In the key hours 2am - 6am they should only operate one event stage so they can control it more easily.

3. They should have an event control team that can monitor multiple sites and make adjustments much more rapidly.
 4. The event control management should be independent of event production and have authority over it so there are much clearer lines of control of noise and communication with the public.
 5. Dynamic response. A condition should be the ability to respond faster to changing situations. Noise propagation is considerably dependent on weather; wind strength and direction as well as humidity. Our ambient noise levels are also dependent on that because of where and when the aircraft fly. The event control team should have sufficient manpower that if a change occurs that changes the noise shadow from the sound check then they will be able to keep within limits.
- 52 Hever Parish Council said they have worked closely with all parties and invested significant time and effort on considering this application. Their primary concern is the risk of disturbance (noise, light pollution, traffic congestion and crime and disorder) but note the improvements in technology and logistics from the organisers this year.
- 53 Hever Parish Council and would encourage the Licensing Authority to set limits to minimise the noise breaches and disturbances that occurred last year and encourage the organisers to carefully consider security risk considering this years high profile acts.
- 54 The representations from the Parish Councils are exhibited as **Appendix 9**

Representations received from interested parties:

- 55 6 objections received from Local residents (**Appendix 10**) that have not been withdrawn.
- 56 One objection was received by email and despite a request from the Licensing Authority the address of the resident has not been provided.
- 57 Primarily the representation received concern noise pollution and public nuisance. It is important to note that whilst representations were received and accepted as valid by the Licensing Officer, not all representations are valid in their entirety and invalid aspects of each representation may not be considered.
- 58 Valid aspects to consider are those which directly relate to the licensing objectives and are not regulated by other means such as in other legislation for example traffic matters, parking, wildlife, disease, drugs and planning matters.
- 59 Any representations that are concerned with the noise that would accompany the setting up and dismantling of stages, marquees and other

equipment relating to the event cannot be taken into account as the premises licence can only be granted for the licensable activity and this does not extend to set up or clearing up before and after the event. Such matters are however covered under separate legislation e.g. Environmental Protection Act 1990, with regard to noise and as such it is not appropriate to condition any licence that may be granted in respects of peripheral works both before and after the event as there would be no power to enforce such a condition under any licensing legislation.

60 1 letter of support from Local Resident (**Appendix 11**)

Summary of representation received

61 “We are... deeply inconvenienced by all the background noises and thumping music.”

62 “Why is it necessary... for these events to be imposed on local residents who will have to endure summer evenings and nights of amplified noise nuisance... and the inevitable risk of theft and damage to property and other criminal activity.”

63 “Noise levels coming from the last... festival... were tally (sic) unacceptable... deep sounds and frequency coming from the bass were making our house and windows constantly vibrate. We could hear the music in our living room with the television on. To be forced to listen to music continually from 10:30am... to 02:00am... is not acceptable... crowd noise are not accurate and... not a true reflection of noise levels last year.”

64 “I... have found that previous levels of amplified music... to be very disruptive to the point where I have not been able to enjoy being in my home... request that any music... be non-amplified or very restricted.”

65 “Despite keeping his bedroom windows closed... my 3 year old... was woken on several occasions... the noise is clearly audible in the house and is loud enough to prevent sleep.”

66 “The noise levels sought... are dangerous to... those living in our... neighbourhood... I personally object to any amplified music... however, if SDC is considering approval... I would ask for the following...

a) I urge SDC to severely curtail the Neverworld Licence application for high Db volume on the grounds of public safety.

b) Limit the hours of music performance from 7pm to 11:30pm

c) Make it a condition of the Licence that Neverworld install a noise limiter.

... saying “Just phone us, we’ll fix the problem” is not a valid solution. In 2016, their complaints phone number was a recorded answer phone. In 2017, their complaints phone number connected with a young person who said

“we’ll get to you soon...” SDC and Leefest claim “there were no complaints... in 2016. I disagree... in 2016 complaints were made by local residents... others made verbal objections to the... Parish Council and to... SDC Councillor... we learnt SDC only accepts written complaints and objection, not verbal ones.”

- 67 “I have attended the past two festivals and apart from a short time of heavy bass notes after midnight, have not suffered any discomfort... I attended the local meeting... and left totally reassured... that any problems... would not be repeated this year... I feel this festival could be a great asset to the community.”

Leefest 2016 and 2017 Summary

- 68 Without prejudice, the Officer would like to draw to Members’ attention to issues that they may wish to consider.
- 69 This event is now in its third year. The first year, then known as Leefest (Neverland) went reasonably well, despite a recent comment from a nearby resident, that the complaints procedure was not clearly defined.
- 70 At the Safety Advisory Group (SAG) meeting in April 2018, it was discussed that the second event (2017) was suggested to have gone wrong due to not having the chain of authority defined.
- 71 Adverse weather conditions prior to the commencement of the event, caused roads on site to become problematic, the organisers were quick to resolve this issue. Use of the country lanes caused a public nuisance, there were reports of cars parked on country lanes and a HGV carrying staging equipment forcing it’s way through single tracked roads, damaging trees and causing branches to fall to the road presenting themselves as a hazard to local drivers; there was also a report of a BT phone line being broken down.
- 72 Concerns with the security on site in 2017 were noted by various responsible authorities. On the Saturday evening a Sevenoaks District Council officer entered the site in a vehicle at 00:15am through a security point without being challenged; the officer made it to the Crew Bar behind the main stage until being challenged.
- 73 The organisers reported ‘some travellers’ who came to the event on the Saturday, who caused a few issues.
- 74 Kent Police felt that the searches being undertaken were 1 - 15 people. Under section 2.72 of the Event Management Plan a police presence should not be required, however PCSOs may undertake some compliance visits as hey have in previous years.
- 75 Historically sound testing at the event has been difficult but in 2017 the sound test did not happen. The organisers claim to have spent more money

on noise engineers in 2017 but with numerous stages it was harder to get noise levels down. Vanguardia the company used in 2016 and 2017 were more assertive in the first year and there was significant issues with directional sound towards Truggers Lane with music be put behind the staging; which was the location of the crew bar which has since been moved to prevent similar issues this year.

- 76 Complaints were received by Environmental Protection in 2017, though no data was recorded on the Thursday evening but was on the Friday, Saturday and Sunday. On Friday 11th August 2017 the sound was within the reasonable level of 45dB until 01:00am but the organisers struggled to get sound levels reduced by 02:00am.
- 77 On Saturday 12th August 2017 noise levels continued at 45dB into the early hours and only became compliant after 03:00am. Bass levels were a particular problem.
- 78 At the SAG meeting in April 2018 the Environmental Protection representative said noise levels have not been set SDC and a discussion to resolve the issues from last year is required. Environmental Protection is looking for a phased reduction in sound throughout the night with better control monitoring.
- 79 The SAG advised the organisers to apply earlier than they had in 2017 and there was an expectation to adhere to Neverworld's Event Management Plan and policies. It was made clear that if there are areas that are being breached the Council would look to prosecute.

Licensing Representation

- 80 A representation has been made by the Head of the Licensing Partnership (Sharon Bamborough) on the basis that the application, as applied for, and the supporting documents provided fail to reassure that the activities would not have a negative impact on the licensing objective - **The prevention of public nuisance.**
- 81 The potential for nuisance varies according to the nature of the premises or event. The Authority will interpret nuisance in its widest sense, and takes it to include such issues as noise (from patrons and music, both inside and outside the premises), light, odour, litter, human waste (such as vomit and urine), fly-posting and anti-social behaviour.
- 82 The application is for a time-limited event but due to the history of noise problems from this site when used for festivals, the hours applied for are not suitable in such close proximity to residents. Should the licensing sub-committee be minded to grant the application we would ask that the applicant address the concerns raised by drastically reducing the hours applied for or that the Sub-Committee grant reduced hours than those sought.

83 The full representation is attached as **Appendix 12**.

Conditions to be imposed on the Premises Licence

84 **Mandatory conditions** - the following conditions will be added to the premises licence when it is issued.

1. 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.

2. 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.

3. Mandatory Conditions in force from 01 October 2014

1.

(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).

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3.

(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.

4. 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."

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.

Operating Schedule conditions

- 85 The following conditions have been offered as part of the operating schedule, though the specific wording used may wish to be reviewed and agreed at the hearing.
- (1) Any plays or wrestling performances provided will be non-amplified and not require the use of any large PA amplification.
 - (2) Posters will be displayed at the main exit asking attendees to leave quietly, stewards will amplify this message verbally.
 - (3) All effects lighting will be contained by the marquees and surroundings trees. Security and site lighting will be positioned to prevent any light spillage into residential windows.
 - (4) Amnesty bins will be provided at the entrances to the campsite and the entrance to the arena.
 - (5) All guest will be search on entry.
 - (6) Under 18s will wear brightly coloured 'Under 18s' wristband with the telephone number of their elected guardian.
 - (7) Any venue featuring entertainment or material that may be considered explicit or adult will have age restricted entry and will be inside opaque tented venues to prevent access or viewing by children.

The following conditions have been agreed with Chiddingstone Parish Council:

- (1) Bespoke technology to limit the base frequency.
- (2) In the key hours 2am - 6am they should only operate one event stage so they can control it more easily.

- (3) They should have an event control team that can monitor multiple sites and make adjustments much more rapidly.
- (4) The event control management should be independent of event production and have authority over it so there are much clearer lines of control of noise and communication with the public.
- (5) Dynamic response. A condition should be the ability to respond faster to changing situations. Noise propagation is considerably dependent on weather; wind strength and direction as well as humidity. Our ambient noise levels are also dependent on that because of where and when the aircraft fly. The event control team should have sufficient manpower that if a change occurs that changes the noise shadow from the sound check then they will be able to keep within limits.

The following conditions have been agreed with Kent Police:

- 86 Kent Police sought agreement from the applicant for the attachment of the following conditions to any Premises Licence granted, in order to assist with control and management of the event taking place.
- (1) Challenge 25 will be in operation at the entrance to the event area and at all places where the sale of alcohol is permitted.
 - (2) Signage will be clearly displayed at all places where the sale of alcohol is permitted advising customers that Challenge 25 is in operation.
 - (3) 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.
 - (4) 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.
 - 5. All security staff, stewards and volunteers will be suitably briefed in their duties prior to the admission of the public to the site and before entertainment provision starts on each event day. This briefing should include, but is not limited to, communications, emergency procedures and welfare.
 - 6. It shall be a condition of entry that each attendee will be searched upon entry to the event site. All searching will be carried out by suitably accredited staff and any prohibited items will be retained securely by staff.

7. Amnesty bins provided by the organiser at point of entry to the event area, these must be adequately secured and emptied by suitable staff. Any items removed from these bins should be securely stored and dealt with in an appropriate manner.
8. All security staff, stewards and volunteers will wear clothing which makes them easily identifiable to members of the public.
9. 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.
10. Key staff shall be issued with a radio; this includes key staff at the site of each licensable activity and the security team
11. 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.
12. Public car parking will be managed through experienced traffic management staff that shall be fully visible and identifiable during the duration of the event.
13. Posters will be displayed at all exits requesting attendees leave quietly, this message will be reinforced by stewards and volunteers as necessary.
14. A direct telephone line must be made available in order to receive any 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.
15. A log book will be maintained detailing any incidents and accidents occurring on or within close proximity of the site or any complaints received by any means in relation to the event from any person, responsible authority or staff. Any such record must be signed and dated by the person making the entry and must be produced to an authorised officer of the local authority or to a police officer on reasonable request.
16. No unaccompanied children will be permitted on the event site at any time.
17. If a tent is provided that contains adult content signs will be placed at the entrance to the tent advising that persons under the age of 18 are not permitted. During times that the tent contains adult content security staff will be positioned at the entrance to the tent to prevent access by anyone under the age of 18.

Key Implications

Financial

None directly arising from this report.

Legal Implications and Risk Assessment Statement

The 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 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

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.

Conclusion

- 79 Under the Licensing Act 2003 in England and Wales the determination of an application for a premises licence where representations have been made can be made by a sub-committee as arranged by the licensing committee (section 10(4)(a))
- 80 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
- 81 Members are to make any decision they deem reasonable and proportionate given the reference to the requirements of the Act, revised guidance, Council's Statement of Licensing Policy and representations and testimony at hearing.
- 82 At a hearing the Licensing Authority may decide:
1. To grant the application in full on the terms and conditions contained in the operating schedule along with relevant mandatory conditions.
 2. To grant the application, modified to such as extent as considered appropriate in order to satisfy any relevant representations so as to adequately promote the licensing objectives

3. To exclude from the scope of the licence any of the licensable activities
4. Refuse to specify a person in the licence as the premises supervisor
5. To refuse the application in its entirety

83 All decision of the Licensing Authority and any conditions imposed must be appropriate for the promotion of the licensing objectives.

Appendices

Appendix 1 - Application Form

Appendix 2 - Operating Schedule

Appendix 3 - Plan(s)

Appendix 4 - Time Zones (Event Plan)

Appendix 5 - Management Plan

Appendix 6 - Noise Management Plan

Appendix 7 - Environmental Protection Representation

Appendix 8 - Kent Police Representation

Appendix 9 - Parish Council(s) comments

Appendix 10 - Representations from residents

Appendix 11 - Support for resident

Appendix 12 - Licensing Authority Representation

Background Papers

[The Licensing Act 2003](#)

[Sevenoaks District Council Statement of Licensing Policy](#)

[Amended Guidance under Section 182 of the Licensing Act 2003](#)

Richard Wilson

Chief Officer for Environmental & Operational Services