

LICENSING HEARING

Minutes of the meeting held on 19 April 2022 commencing at 10.30 am

Present: Cllr. Pett (Chairman)

Cllrs. Pett, Raikes and Waterton

Also Present:	Cllr. Thornton	Member for Seal and Weald (SDC)
	Jason Springham	Applicant's Representative
	David Lagzdins	Legal Advisor (SDC)
	Susan Lindsey	Senior Licensing Officer (SDC)
	Andy Binnie	Democratic Services Officer (SDC)

7. Appointment of Chairman

Resolved: That Cllr. Pett be appointed as Chairman of the sub-Committee
(Councillor Pett in the Chair)

8. Declarations of interest

There were none.

9. Licensing Act 2003 New Application - Little Elses, Morelys Road, Weald, Sevenoaks TN14 6QX

The Chairman welcomed everyone to the meeting and introduced those present.

The hearing gave consideration to the report by the Senior Licensing Officer, giving details of an application for a time limited premises license by Hang Out Festivals LTD for the premises at Little Elses, Morley's road, Weald. The application had received 5 representations in objection to the application. She advised that the objector at Appendix E in the agenda had withdrawn their representation and should not be considered as part of the decision-making process of the Hearing. It was noted that the application had been made at a similar time to a permanent premises license application for the same property. However only comments in relation to the time-limited application were to be considered as part of the Hearing.

The Applicant's Representative gave an introduction to their application. The Applicant's Representative noted concerns over traffic and parking and laid out measures of mitigation. The Applicant's Representative explained that professional traffic controllers were being hired and the site would allow over 700 cars into the premises. The event would also employ private security to prevent security breaches and a sound team to monitor sound pollution to the local area. A 9pm finish would ensure attendees would be leaving the event at a reasonable time.

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The event was also branded as a Community festival which would raise money for local artists and various businesses.

In the absence of the objectors, the Sub-Committee put their concerns to the Applicant's Representative.

Members raised concerns as to parking arrangements. In response it was confirmed that Event attendees were expected at under 1000 and parking would be adequate to accommodate the numbers. Many attendees may travel by taxi or be local. Attendees would not be permitted to bring alcohol into the event or to take away from it.

It was noted that distance to accident and emergency facilities in the draft event plan may have been inaccurate and the Applicant's Representative confirmed this would be corrected. The event area would also be monitored by volunteers to ensure individuals could not gain illegitimate entry to the event.

Members discussed the objections to noise pollution. The Applicant's Representative confirmed that sound technicians would be present and music would be stopped every 40 minutes to ensure regular breaks to the sound at the event. Since the original application, the Applicant's Representative had also decided to remove the £5 parking charge at the event to reduce the likelihood of attendees parking off-site.

Members noted objections that the granting of the license may set a precedent for larger events in the area. The Applicant's Representative confirmed that organisers were planning annual one-time events which would grow organically.

Environmental concerns were discussed by the Committee and the Applicant's Representative confirmed that special tracks were being put down to prevent damage due to heavy rain and footfall. Litter would also be dealt with by the security teams and volunteers.

The meeting was adjourned at 10:57 and the Hearing Members withdrew to consider the application accompanied by the Legal Advisor and Clerk.

At 11:19 the Hearing Members, Council Legal Advisor and Clerk returned to the Council Chamber.

The Chairman confirmed that the full detailed decision would be made and provided to the interested parties thereafter by the notice of determination. He advised the Hearing that the Sub-Committee had come to the conclusion that the time-limited premises licence be granted subject to the condition that the organisers ensure that dedicated and manned contact numbers were made accessible and available in the case of complaints to those that had made representations to the hearing, Weald Parish Council and Sevenoaks District Council Environmental Health Team.

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Resolved: That the Licence be granted subject to minor amendments in proposed conditions for the purpose of enforceability and subject to the condition that the organisers ensure that dedicated and manned contact numbers be made accessible and available in the case of complaints to:

- i. those that have made representations to the hearing
- ii. Weald Parish Council and;
- iii. Sevenoaks District Council Environmental Health Team,

with the full decision to be published within 5 working days and provided to the parties thereafter.

THE MEETING WAS CONCLUDED AT 11.19 AM

CHAIRMAN

LICENSING ACT 2003 - Section 23

Notice of determination for application premises licence

To: **Hang Out Festivals LTD**

of: Little Elses, Morelys Road, Weald,
Sevenoaks TN14 6QX

Ref: **22/0356/LAPRE**

Sevenoaks District Council being the licensing authority, on the 18 February 2022 received an application for a premises licence in respect of premises known as Little Elses, Morelys Road, Weald, Sevenoaks TN14 6QX.

On the 19 April 2022 there being valid representations which were received 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: to begin on 28 May and end on 29 May 2022:-

Section E: To allow the performance of live music outdoors:

Saturday 28 May 12:00 to 21:00 hours

Sunday 29 May 12:00 to 19:00 hours

Section F: To allow the performance of recorded music outdoors:

Saturday 28 May 12:00 to 21:00 hours

Sunday 29 May 12:00 to 19:00 hours

Section J: To allow the sale of alcohol for consumption on and off the premises

Saturday 28 May from 12:00 to 22:00 hours

Sunday 29 May from 12:00 to 19:00 hours

Section L: To allow the premises to be open to the public:

Saturday 28 May from 12:00 until 22:00

Sunday 29 May from 12:00 until 19:00

To add the conditions on the Licence as follows:

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 portable 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.

Mandatory Condition : SIA

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must

- (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- (b) be entitled to carry out that activity by virtue of section 4 of that Act.

Operating Schedule Conditions

General

Hang Out in the Weald is a family festival with a family ethos, and expect our clientele to be of such.

The prevention of crime and disorder

No-one without a valid ticket will be allowed access to the event (save for emergency services, event personnel, and the like).

All bags will be searched on entry.

SIA security will be on duty throughout the event, and will respond to any crime and disorder issues which occur during the event.

Anyone who is drunk, under the influence of drugs, or who is violent will not be allowed access to the event.

Anyone who is drunk, under the influence of drugs, or who is violent at the event, will be escorted from the event. If necessary, the Police will be contacted.

The entire site will be fenced off and monitored to avoid unauthorised access.

Public safety

Professional medical services will be on duty throughout the event, and will respond to any medical issues raised during the event.

Traffic control staff will be on duty throughout the event, and will respond to any traffic issues which occur before, during and after the event.

All alcoholic drinks will be served in un-breakable drinkware.

Suitable risk assessments covering all activities will be undertaken.

The sale of tickets will be limited, if necessary, to ensure there is no over-crowding. Crowds will be monitored by both SIA and crowd management staff.

All emergency exits will be clearly signposted.

Emergency evacuation of the site will be announced over a tannoy speaker system

The prevention of public nuisance

A professional sound engineer will be on duty throughout the event monitoring sound levels, and will respond to any noise issues raised during the event.

Attendees will be requested to leave the premises at the end of the event in an orderly manner and to be mindful of local residents.

Toilets will be placed away from local housing to avoid odour problems.

Adequate bins will be available onsite, and ongoing rubbish collections will take place throughout the event to avoid litter issues.

The protection of children from harm

All children under the age of 16 must be accompanied by an adult (an adult being over the age of 18).

A Challenge 25 Policy will be in place, and only photographic identification will be accepted.

Any lost children will stay with a member of staff, and tannoy announcements made until the child is re-united with its appropriate adult.

Conditions attached after a hearing by the licensing authority

1) That the organisers ensure that dedicated and manned contact numbers are made accessible and available in the case of complaints to:

- i. those that have made representations to the hearing
- ii. Weald Parish Council and;
- iii. Sevenoaks District Council Environmental Health Team.

Reason: for the prevention of public nuisance and other concerns that may arise.

Informatics:

1. The sub-Committee notes that the applicant's representative has offered to remove the £5 parking charge to ensure that attendees may use adequate parking and residents and the surrounding areas are unaffected.

This licence granted at the Hearing is effective from the 19 April 2022.

Dated: 25/04/2022

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.

