

LICENSING HEARING

Minutes of the meeting held on 20 June 2023 commencing at 10.30 am

Present: Cllr. Esler (Chairman)

Cllrs. Abraham and Waterton

Also Present: Cllrs. Barnes, Clayton, Ferrari and Lindop were also present.

Cllr Barnes	Licensing Committee Member
Cllr Clayton	Licensing Committee Member
Cllr Ferrari	Licensing Committee Member
Cllr Lindop	Licensing Committee Member
Michael Cutting	Applicant
Jay Scott	Applicant's representative
Linda Martin	Respondent
Judy Bloomer	Respondent
Marco Williams	Respondent
Jessica Foley	Senior Licensing Officer (SDC)
David Lagzdins	Council's Legal Advisor (SDC)
Charlotte Sinclair	Democratic Services Team Manager (SDC)

1. Appointment of Chairman

Resolved: That Cllr Esler, be appointed Chairman of the Hearing.

2. Declarations of interest

There were none.

3. LICENSING ACT 2003 NEW TIME LIMITED PREMISES LICENCE APPLICATION - The Knockholt Fest, Land North of the junction with Shelleys Lane and Main Road, Knockholt, Kent.

The Hearing gave consideration to the report by the Senior Licensing Officer giving details of an application for a new time limited premises licence for The Knockholt Fest, Land North of the junction with Shelleys Lane and Main Road, Knockholt Kent, TN14 7PH. She provided a brief overview of the application, explaining that during the consultation period 28 representations against the application had been made by local residents, a local school and Knockholt Parish Council. The Sub-Committee was advised that consideration was to be given to the sale of alcohol and the opening hours to the public. A similar event as detailed could still take place without the sale of alcohol or live music.

Licensing Hearing - 20 June 2023

The Applicant addressed the Hearing. In response to questions from the Hearing Panel, the Applicant advised that it was expected that 70% of attendees would come by public transport and they were working with a local taxi company for shuttle buses from and to Knockholt station. It was intended that additional signage and information on the website to attendees would be provided. He was also bringing in a Wi-Fi booster to ensure that calls could be made to taxi companies if required by the attendees. The Hearing was also advised that there would be a parking management team to direct cars and avoid parking on Shelley's Lane. There would be six security staff and they would be checking bags on entry and no one was allowed to leave the site with food or drink to assist in preventing littering.

The Hearing heard from some of the respondents, who expressed a number of concerns. In response to the concerns raised and questions from the Sub-Committee, the Applicant advised that should there be wet weather then matting would be brought in for the car parking facilities. He further advised that there would be fencing along the public right of way separating the event site and he would ask the security staff to look out for spill over and display signage to not to stray onto private land. In concerns to noise and traffic the Applicant advised he would provide contact telephone numbers to the residents to be able to contact him if needed.

At 11.40am, the Hearing Members withdrew to consider the issues raised, accompanied by the Council's Legal Advisor and Clerk to the Hearing for the purpose of providing advice only. They were also accompanied by 4 Members of the Licensing Hearing for training purposes only.

At 1:00pm, the Hearing Members, Council's Legal Advisor and Clerk returned to the Conference Room.

The Chairman informed the Hearing that each application had to be dealt with on its own merits and that no predetermination had taken place. The Sub-Committee had had regard to the representations made by the Applicant and interested parties, the Licensing Objectives, the Statutory Guidance issued under Section 182 of the Act and the Council's Statement of Licensing Policy. She advised that the Sub-Committee had noted a number of apprehensions raised and the applicants attempt to allay the concerns that the objectors had put forward.

Resolved: That the Premises License in respect of Land North of the junction with Shelleys Lane and Main Road, Knockholt Kent, TN14 7PH, subject to the mandatory conditions and reasons for decision contained in the notice of determination to follow within 5 working days, be granted.

THE MEETING WAS CONCLUDED AT 1.03 PM

CHAIRMAN

LICENSING ACT 2003 - Section 23

Notice of determination for application of time limited premises licence

To:

of: The Knockholt Fest, Land North of the junction with Shelleys Lane and Main Road, Knockholt, Kent.

Ref: 23/01234/LAPRE

Sevenoaks District Council being the licensing authority, on the 30/03/2023 received an application for a premises licence in respect of premises known as Land North of the junction with Shelleys Lane and Main Road, Knockholt, Kent.

On the 20 June 2023 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 time limited Premises Licence:

Section E: Allow Live music on the premises from 11:00 to 22:00 hours.

Section M: Allow the sale of alcohol for consumption on the premises from 11:00 to 22:00 hours.

Section O: Allow the Opening hours to the public from 10:30 hours until 22:30 hours.

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.

Operating Schedule

General

As a standalone document it will contain all event details and will reference other documents that may be found as appendices. It is intended that it is a 'working document' that will evolve with ongoing liaison

between the event organisers, the local licensing authority and other responsible authorities. The event organisers are an experienced team. They have successfully run The Kent Food Fest for 7 years and are now consulting for Knockholt community festival.

The event planning work is conducted to the highest standard to increase our contribution to arts and culture whilst minimising any adverse effects to local residents, public safety and the environment.

We believe good communication with stakeholders, such as local authorities and community groups, is vital to the success of any event and hope collaborative documents like this aid such communication.

The Kent Food Fest has 7-year track record without any significant concern, site safety, public safety.

The Prevention of Crime and Disorder

Crowd Management Planning and Implementation will be undertaken by Able Security LTD The Crowd Management plan details roles, responsibilities and methods for control and evacuation. Audience Number Control Tickets will be majority sold by pre-sale. A small amount of tickets will be made available on the door for walk up attendees.

Police

We will ensure we liaise with all relevant police parties closely in the further planning of the event to ensure they are aware and in agreement with the Event Management Plans. 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. The Food Fest has not required Police Presence in the past. Event security services 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. A detailed crowd management plan will be produced following a risk assessment by a security specialist contractor planning exact security team numbers and positions.

Public Safety

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; their purpose it to provide information to festival goers and a large network of eyes and ears around the event site. Stewards and volunteers will be trained before the event commencement.

The Prevention of Public Nuisance

A noise assessment and management plan will be produced in order to consider and reduce the nuisance effects of noise arising from the event, taking into account the size, type and direction of each Soundsystem. The following conditions will be adhered to in managing noise created by the event: Between the hours of 11am and 10pm on the 5th August 2023. We will employ a noise management engineer to be responsible for the regular monitoring and control of noise levels during the event.

LA 23 – Notice of Determination for the Premises Licence

Knockholt Fest as Land North of the junction with Shelleys Lane and Main Road, Knockholt, Kent.
(Halstead, Knockholt and Badgers Mount)

Records of monitoring and any action taken to will be maintained and made available to the local authority for inspection during the event. Records will be submitted to the local authority following the event.

The Protection of Children from Harm

Any lost property may be handed in to our ticket booth team any security or event staff. This will be dealt with by the welfare team, as can any reports of lost property. Property can be reclaimed at the event by direct description or afterwards via collection or post. Contact details for property reclaim will be clearly shown on the event website. Lost persons can also report to the welfare team, as can reports of missing persons. The Production Manager will then be informed. If the lost person is deemed to be in any way vulnerable, then only persons with a valid DBS check will be allowed to handle the issue. In most cases this would be any of the Welfare team, SIA team, First Aid team, or the event organisers.

Alcohol and our bar on site will be managed in accordance with The Licensing Act 2003 and all Mandatory Licensing Conditions will be met. The bars will stock a wide range of products, including many locally made 'craft' products such as ale, cider and wine. Extremely cheap and excessively strong drinks will not be available. If there is any doubt about the attendee's age, proof of age identification will be requested.

Reasons for the Decision

The reasons for the decision are:

The Sub-Committee have had regard to the representations made by the Applicant and interested parties, the Licensing Objectives, the Statutory Guidance issued under Section 182 of the Act and the Council's Statement of Licensing policy.

The Sub-Committee noted the concerns raised regarding traffic and noted that even if a licence was not granted some form of event could still take place which could still result in some impact on traffic, parking and access on local roads. It was noted that car parking spaces were provided by the applicant and they had offered to put down a grid in the event of wet weather. The Applicants had advised that attendees were not permitted to park on the public roads, including on verges or in front of drives.

It was noted that no objections were raised by Kent Fire & Rescue Service or Kent Police and a one-way system had been offered by the applicant. The applicants had reassured the local residents the impact from large vehicle movement before and after the event would be kept to a minimum and offered to make good any damage to verges.

The Sub-Committee was reassured that the applicant would have clear entrance and egress and the considerable debris would be removed and were reassured that the entire site and neighbouring areas would be cleared of any litter and restored

to its current Green Belt condition.

The Sub-Committee was satisfied regarding the advice, signage and shuttle service that would be offered to those arriving by train, to minimise risk to attendees walking on country lanes and were reassured that the mobile signal will be boosted for attendees to be able to call for a taxi at the end of event.

In consideration therefore of the impact of vehicular movements and parking and pedestrian movements around the site, under the consideration of Public Safety and the Prevention of Public Nuisance, the proposals were considered acceptable.

The Sub-Committee noted the concerns of the spill over and the impact of crime and disorder, public nuisance, and public safety onto adjoining and nearby areas and appreciated that the event organisers would make effort to inform the public by signage not to stray onto private land and noted there would be fencing separating the public right of way from the event site. The applicant had offered their security staff to look out for those straying onto private land. The proposals in this respect were considered acceptable.

It was noted that the applicant would be obliged to comply with a noise management plan and for it to be submitted to the Environmental Health Team. The Applicant stated assured the Sub-Committee that live music and sales of alcohol would cease by 21:30. The applicant had offered their telephone numbers to the residents should they have concerns on the day of the event regarding noise. The event had a relatively considerate ending time and was taking place on a Saturday to keep disturbance to a minimum to neighbours and children. In relation to noise and the objectives of the Prevention of Public Nuisance and the Protection of Children from Harm the proposals were considered acceptable.

The Sub-Committee notes that the application site is in an area of countryside and nearby to an Area of Outstanding Natural Beauty. It was considered that the impact would be transitory and not significant. The AONB would therefore be preserved. This is in consideration of the Council's duties under the Countryside and Rights of Way Act 2000 and the licensing objective of the prevention of public nuisance.

The Sub-Committee acknowledged that a number of the offers made at the Hearing by the applicants were not enforceable and had been given in good faith to alleviate some of the objectors concerns.

This licence granted at the Hearing is effective from the 05 August 2023.

Dated: 26 June 2023

Please address any communications to:

Licensing Partnership

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Knockholt Fest as Land North of the junction with Shelleys Lane and Main Road, Knockholt, Kent.
(Halstead, Knockholt and Badgers Mount)

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.