

LICENSING HEARING

Minutes of the meeting held on 23 May 2016 commencing at 10.30 am

Present: Cllrs. Abraham, Clark and Kelly

Also present	Mr. L. Denny	- Applicant's Representative (Event Director)
	Mr. J. Bramley	- Applicant's Representative
	Mr. P. Distin	- Applicant's Representative
	Mr. J. Adkins	- Objector
	Mrs. J. Adkins	- Objector
	Mrs. C. M. Boyle	- Objector
	Dr. T. Boyle	- Objector
	Mr. B. Campbell-Johnstone	- Objector
	Mrs. C. Cole	- Objector (representing Hever Parish Council)
	Cllr. Lake	- Objector (representing Chiddingstone Parish Council)
	Mr. A. Maurice	- Objector (representing Hever Residents Association)
	Mr. G. Ryan	- Objector
	Cllr. Cooke	- Observer
	Cllr. Dickins	- Observer
	Mr. C. Alden	- Senior Environmental Health Officer
	Mr. N. Chapman	- Environmental Protection Officer
	Miss. N. O'Shea	- Senior Licensing Officer
	Mr. R. Hanstock	- Legal Advisor
	Mr. D. Lagzdins	- Democratic Services Officer

1. Appointment of Chairman

Resolved: That Cllr. Clark be appointed Chairman of the meeting.

2. Declarations of interest

Cllr. Clark declared that he knew Mr. G. Ryan as a former Councillor and Cllr. Lake as a serving Councillor for Sevenoaks District Council, but that they would be considered no differently to any other participant.

Cllr. Abraham declared that he knew Mr. G. Ryan as a former Councillor and Cllr. Lake as a serving Councillor for Sevenoaks District Council but that this would not influence his decision.

Cllr. Kelly declared that he knew Cllr. Lake as a serving Councillor for Sevenoaks District Council but that this would not affect his decision.

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3. Report To Licensing Sub-Committee Following Receipt Of Representations In Relation To An Application Made Under The Licensing Act 2003 For Leppards Wilderness Farm

The Hearing gave consideration to a report by the Chief Officer Environmental and Operational Services giving details of an application for a new premises licence under the Licensing Act 2003. It was noted that objections had been received and that accordingly the application had been referred to the Sub-Committee for determination.

The Chairman set out the matters which the Sub-Committee could consider under the Licensing Act 2003. The Hearing heard from the applicant's Event Director representative, who explained the aim of the festival and how they intended to address the four licensing objectives.

In response to questions the applicant's representatives confirmed that the festival's policy was not to serve intoxicated guests and a record of refusals would be kept. There would be a zero tolerance drug policy with the first priority medical, followed by referral to the police. Security would work closely with the welfare team and security would peak from 10-11pm, with 40 security staff across the site and 24-hour security response teams. Guests would have to prove with government approved ID that they were 17 or over to attend without a guardian. To prevent traffic on arrival backing onto the narrow country lanes, the main exit could be used as an alternative entrance, also providing an additional 350m for vehicles to queue. Staff would discourage drinking in the car park. Vehicles within the licensable area would be searched for contraband items and attendees would be searched upon entry to the licensable area.

The Hearing heard from the objectors who raised concerns about noise creating a public nuisance to local facilities during the day and to residents until 5am when the local ambient noise was low. There were concerns that the nearest police station was 30 minutes away, which would pose a risk if there were crime or disorder. Guests would be leaving on the Sunday morning, possibly only a few hours after having been drinking alcohol the previous night. Children would be exposed to continuous loud noise and were in close proximity to alcohol. There was a risk to public safety due to the previous contamination of the site.

In response to questions from the objectors, the applicant's representative advised that volunteer staff would not replace the trained security staff and that all those working with children would be DBS checked. There would be security on the public footpath through the site to ensure there was no unauthorised entry and there would be security on the perimeter in case of those walking nearby. There was independent soil testing and water testing and access to the lagoons would be security guarded and would be fenced.

Representatives from the Environmental Health Partnership advised that the Noise Council Code of Practice for Concerts was approved by bodies including the Chartered Institute for Environmental Health. It struck a balance between various interests. The ambient background noise between midnight and 4am was 23-26dB(A). They advised that 10dB above the ambient background noise would be significant. A map of cumulative noise and an independent consultant could have

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helped to reassure the Officers. They advised that concerns about contamination could be resolved through the Health and Safety at Work, etc Act 1974. In response to a question they confirmed the recordings of ambient noise were taken on a Monday and Tuesday. Representatives of the applicants invited the Committee instead to adopt the WHO Guidelines for Community Noise, adopted by a number of Councils and events, which set 45dB(A) limit at the outside of a building at night time.

The Chairman noted that the agenda had been circulated to objectors on 9 May 2016, after the statutory publication date, and that further documents had been submitted to the Council by the applicants and despatched on 20 May 2016. Objectors were asked whether they had been compromised by these facts. Some concern was raised at the lack of time to consider the further documents submitted, while another objector advised further time was unlikely to lead to a solution.

At 13.12 hours the Hearing Members withdrew to consider the issues raised and to allow discussion between applicants and objector, with the Council's Legal Advisor and Democratic Services Officer in attendance.

At 14.15 hours the Hearing Members, Council's Legal Advisor and Democratic Services Officer returned to the Council Chamber.

The applicant's representative offered that a limit of 35dB(A) be applied after 2am or 1am if necessary, with only light entertainment and acoustic music playing. Sound would be controlled by an independent engineer. He did not feel that such a limit would be achievable from 11pm. He noted other nearby premises were licensed until 2am.

The Chairman advised that the Sub-Committee did not consider that there had been significant prejudice from the late despatch or submission of documents.

At 14.30 hours the Hearing Members withdrew to consider the issues raised, with the Council's Legal Advisor and Democratic Services Officer in attendance.

At 14.47 hours the Hearing Members, Council's Legal Advisor and Democratic Services Officer returned to the Council Chamber.

The Chairman informed the Hearing that the Sub-Committee intended to approve the licence subject to an additional condition that noise be limited to 35dB(A) after 11pm at the nearest dwelling that had not agreed to a higher level. Sound was to be controlled by an independent engineer. A further condition was to require public announcements and notices in the car park to warn against drink driving should guests have been drinking the previous evening. The Sub-Committee was satisfied that granting the application subject to these amended conditions would be in accordance with the relevant licensing objectives.

It was therefore

Resolved: That a Premises Licence in respect of Phizzwizzards Ltd for Leppards Wilderness Farm, Wilderness Lane, Kent TN8 7LP, subject to

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mandatory conditions and additional conditions contained in the notice of determination attached as an appendix to these minutes, be granted.

THE MEETING WAS CONCLUDED AT 2.50 pm

Chairman