

REPORT TO LICENSING SUB-COMMITTEE FOLLOWING RECEIPT OF A REPRESENTATION IN RELATION TO A TEMPORARY EVENT NOTICE GIVEN UNDER THE LICENSING ACT 2003 FOR VEGANFEST, WILDERNESS FARM, HEVER - 18/00941/LATEN.

Licensing Sub-Committee - 18 April 2018

Report of Chief Officer, Environmental and Operational Services -
Richard Wilson

Status For Decision

Executive Summary: Members' instructions are requested to determine the Notice and decide whether to issue a counter notice if it is appropriate for the promotion of the licensing objectives.

Contact Officer Jessica Foley, Ext. 7480

Recommendation to Licensing Sub-Committee:

Having regard to the Notice and the Environmental Health representation, Members must take such steps (mentioned below) as they consider appropriate for the promotion of the prevention of licensing objectives.

The steps available to the Sub-Committee are:

- To take no action and permit the event in the manner described in the Temporary Event Notice; or
- To issue a counter notice (i.e. refuse the event) under s 105(2)(b) if the sub-committee considers it appropriate for the promotion of the licensing objectives to do so.

Reason for recommendation: Each Temporary Event Notice 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 and Background

- 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 21 March 2018 a temporary event notice was received from Mrs Jobie Baldwin for an event to be known as Veganfest, to take place at Wilderness

Farm, Hever. The consultation end date was the 26 March 2018. A copy of the Temporary Event Notice is attached as **Appendix A**

- 3 On 23 March 2018 a representation was received from Environmental Health (copy attached as **Appendix B**) stating:

‘Previous events at this site have attracted noise problems for residents’

‘This application includes the provision of regulated entertainment (understood to be live bands and a DJ on Friday and Saturday night). I therefore have significant concerns that unless properly regulated (with suitable acoustic conditions, specified operation times) a public nuisance may be caused at nearby residential properties’

- 4 This site has been used for several (separately licensed) events/festivals in recent years, **but does not hold a permanent premises licence**. For information, therefore, it is not an option for the Sub-Committee to add conditions to the notice as a means of promoting the licensing objectives. Although the Licensing Act also permits Environmental Health to amend the terms of a Temporary Event Notice, with the agreement of the premises user, this must occur before the Sub-Committee hearing has commenced.

- 5 The notice is to provide regulated entertainment from 14:00 to 17:00 on 13 July - 15 July 2018 inclusive. The notice states: *The premises is the main event tent in the totem field at Hever Camping. We will be constructing two tents for entertainment, only of which (the main event tent) will be used for amplified music. This is a weekend camping event. There will be kids entertainment, a pay bar (run by Cool Grapes Ltd who are applying separately for their TENS), amplified activism talks and music (both live bands and DJs).*

Statutory Guidance

The parts of the Statutory Guidance (April 2017) which are particularly relevant to this application and the representation received are Chapters:

7 - Temporary Event Notices;

9 -Determining Applications;

15 - Regulated Entertainment.

Licensing objectives and aims

The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.

The licensing objectives are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

Consultation

There are no statutory requirements for advertising of a temporary event notice, and only the Police and/or Environmental Health may make representations.

Conclusions

Without prejudice, the Officer would like to draw to Members' attention to issues that they may wish to consider.

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

The relevant provision in the Licensing Authority's Statement of Licensing Policy is paragraph 19.7, which states, "where objections are received from the Police and/or EH and not withdrawn, the notice will be referred for a hearing before the Licensing Sub-Committee. The Sub-Committee may approve the TEN as applied for, add appropriate conditions (if the TEN takes place on a premises with an existing premises licence) or reject a TEN by serving a counter notice."

Key Implications

Financial

None directly arising from this report.

Legal Implications and Risk Assessment Statement.

This 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 Guidance issued under Section 182 of the Act and the Council's Statement of Licensing Policy. Where the decision departs from the Policy or Guidance the

departure must be directed solely at the attainment of 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.

Appendices

Appendix A - Temporary Event Notice

Appendix B - Representation by Environmental Health

Appendix C - Location maps (for info, from Licensing)

Background Papers

The Licensing Act 2003

Amended Guidance issued under Section 182 of the Licensing Act 2003 (April 2017) (“the Guidance”)

Sevenoaks Statement of Licensing Policy 2015 - 2020 (“the Policy”)

Richard Wilson

Chief Officer for Environmental & Operational Services