

## **Representation against the application for a Time-Limited Licence by Phizzwizards Ltd**

### **NeverWorld Festival, Wilderness Farm, Hever**

1.0 My name is Sharon Bamborough and I am the Head of the Licensing Partnership of which Sevenoaks is a partner, making this representation against the application for a time-limited premises licence by Phizzwizards Ltd.

1.1 The basis of my representation is because of the potential that this application could have a negative impact on the licensing objectives of :-

- Prevention of public nuisance

### **2.0 The Application**

2.1 The application is for the provision of **Plays, Films, Boxing & Wrestling, Live Music, Recorded Music, Performances of Dance, Entertainment Similar to Music/Dance, late night refreshments & Supply of Alcohol**

All of these regulated activities and or entertainment to take place between 2<sup>nd</sup> to 5<sup>th</sup> August 2018.

2.2 The accommodation number permitted would be for up to 4,999 at any one time.

Live Music is up to **2am** Thursday, Friday and Saturday nights

Recorded music is up to **2am** (and in one location , up to **6am**) on the same nights

Sale of alcohol is up to **2am** on the same nights

The opening hours are 24 hours a day each day of the festival.

### **3.0 Home Office Guidance**

3.1 The most recent edition of the Guidance to the Licensing Act 2003 April 2018 issued under S182 of the Act sets out in paragraph PARA that applicants are expected to have regard to the statement of licensing policy for the area.

3.2 Applicants are, in particular expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:-

The layout of the local area and physical environment including crime and disorder hotspots, proximity to residential areas and proximity to areas where children may congregate;

Any risk posed to the local area by the applicants' proposed licensable activities; and

Any local initiatives (for example local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

#### 4.0 **Sevenoaks Licensing Policy**

4.1 The Sevenoaks statement of licensing policy does not have a standardised / core hours approach, and each case should be judged on its own merits

4.2 Paragraph 3.3 of the statement of licensing policy is relevant:

*The Licensing Authority recognises the need to promote and encourage live and recorded music, dancing, theatre and other forms of entertainment for the wider cultural benefit of communities generally. The potential for limited disturbance in neighbourhoods will be carefully balanced with the wider benefits*

#### 5.0 **Previous history**

5.1 The event site has been used in the preceding two years for this festival, previously operated on a smaller scale, known as Leefest. The hours applied for were granted last year by Licensing Sub committee, although a robust opposition was not submitted to the proposed hours, which may have been due to circumstances which occurred within the Licensing Team (the sudden and tragic loss of the previous Licensing Partnership Manager in May 2017).

5.2 There were numerous complaints about noise from music and general 'partying' of customers and/or staff throughout the night last year. It is also understood that security was lax and noise limits were exceeded.

5.3 The applicant is seeking the same hours, but hope by moving the music to one single tented location within the site they should not cause disturbance playing music to a capacity of several hundred to 6am in the morning. The main stage music finishes at 23:00 and other recorded music is planned to go on until 2am from other locations on the site.

#### 6.0 **Licensing Objectives**

6.1 **Prevention of Public Nuisance** - 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.

6.2 Noise nuisance is a common problem. It can be particularly intrusive during the day and at night when ambient noise levels are lower and residents are trying to sleep. Therefore it is important that applicants can demonstrate how they will effectively manage such issues as:

- the exit and dispersal of their patrons;
- loud noise from amplified music on site;
- patrons returning to cars parked in surrounding areas;
- general noise of people arriving and leaving the event site..

#### 7.0 **Summary**

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.

The Licensing Authority, as a responsible Authority, makes representation against the hours sought for the activities on the grounds of prevention of public nuisance.

Comparison to other festivals (far and wide) show that these hours are **not** usual (and in fact are rare) and there is no justification for granting such hours again in light of previous issues caused.

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.

The Licensing Authority hopes to submit further information regarding hours permitted on similar sized festivals throughout the country for comparative purposes, and may further suggest suitable licence conditions which would alleviate their concerns

Sharon Bamborough

Head of the Licensing Partnership

Sevenoaks District Council

13 June 2018