

LICENSING HEARING

Minutes of the meeting held on 4 August 2017 commencing at 10.30 am

Present: Cllrs. Kelly, Mrs. Morris and Pett

Also present: Mr. L. Denny - Applicant's Representative (Event Director)
Mrs. C. Sinclair - Democratic Services Officer
Mr. D. Lagzdins - Council's Legal Advisor
Mrs. J. Foley - Licensing Officer
Mr. P. Lanckmans - Licensing Officer and Licensing Administrative Officer

1. Appointment of Chairman

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

2. Declarations of interest

There were none.

3. Report to Licensing Sub-Committee following receipt of representation in relation to an application made under the Licensing Act 2003 for Leefest at 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 time limited premises licence under the Licensing Act 2003. It was noted that an objection had been received and that accordingly the application had been referred to the Sub-Committee for determination.

At the request of the Chairman, the Council's Legal Advisor addressed the Hearing and advised that the Council's Environmental Health Officer was unable to attend the Hearing but had agreed to respond to questions from the Sub-Committee prior to the Hearing. The Sub-Committee had been advised that within the operating schedule the LAeq measurements listed would be recorded from the nearest noise sensitive location. In the Environmental Health Officer's view it was a reasonable increase for the LAeq due to the frequency and noise of the night flights in the area and no complaints had been received at the event last year.

He advised that the noise levels in the fourth column of the operating schedule were linear recordings from 2km away and were guidance from the Purple Guide to Health, Safety and Welfare at Music and Other Events. He advised that an Environmental Health Officer would be at the site while the festival was taking place and were contactable if it was felt the noise was exceeding the levels stated. They would have their own monitoring equipment in place but would also

Licensing Hearing - 4 August 2017

be able to log into the event team's noise monitoring equipment to check the levels. He advised that if the application were successful then a letter drop would take place advising residents by the Council.

The Hearing gave consideration to the Objector's representation and noted her absence.

The Hearing heard from the Applicant's Event Director representative, who explained that the application was the same as requested last year with an increase of noise levels on Thursday and Friday between 11pm and 1am and on Saturday between 11pm and 2am. He advised that he had spoken to the Objector and advised that the 65dBA would be the noise levels during the day and at night would be 45dBA and the night level would not be audible inside the property. An increase in noise levels was requested due to the noise from the night flights. Noise monitors would be located around the site which would enable remote log in to check the noise levels. If complaints were made the event team would be able to respond and ensure that noise was at the agreed level.

In response to questions the Applicant's representative confirmed that live bands would finish at 11pm and DJ set or acoustic music would then be played. He advised that the Event's Manager would be on site and be accessible to the Environmental Health team via mobile telephone. He also advised that telephone contact details would also be available to the local residents. The Objector had his personal contact details and he would be available for her to speak to directly, or the noise office team and events team would also be available. The Applicant's representative also advised that if the wind direction affected the noise or there had been an error within the calculations the noise levels would be lowered to comply with the licensing conditions. In response to a final question he advised that the security arrangements were more extensive than the previous year and searches would be carried out on all those entering the site.

At 10.54 a.m. 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.

At 11.10 a.m. the Hearing Members, Council's Legal Advisor and Clerk to the Hearing returned to the Council Chamber.

The Chairman requested whether the Applicant's representative could indicate on a map which residents would be informed of their contact details. With the consent of the meeting, the representative tabled a map showing those dwellings which would be contacted.

The Chairman informed the Hearing that the Sub-Committee gave consideration to the representations made including the requirements of Kent Police, the Licensing Objectives, the Statutory Guidance issued under Section 182 of the Act and the Council's Statement of Licensing Policy. An informative was to be included that occupiers of the affected noise sensitive premises would be provided with direct contact details.

Licensing Hearing - 4 August 2017

It was therefore

Resolved: That a Premises License in respect of Phizzwizzards Ltd for Leppards Wilderness Farm, Wilderness Lane, Kent TN8 7LP, subject to mandatory conditions and additional conditions and an informative contained in the notice of determinations attached as an appendix to these minutes, be granted.

THE MEETING WAS CONCLUDED AT 11.15 AM

CHAIRMAN

Notice of determination for application premises licence

To: Phizzwizzards Ltd

of: Room 204, Shakespeare Business Centre, 245A Coldharbour Lane, Brixton,
London SW9 8RR

Ref: 17/01990/LAPRE

Sevenoaks District Council being the licensing authority, on the 1 June 2017 received an application for a premises licence in respect of premises known as Leppards Wilderness Farm, Wilderness Lane, Edenbridge TN8 7LP

On the 4 August 2017, there being a valid representation which was received and had not been withdrawn, a hearing was held to consider this representation and having considered it the Licensing Sub-Committee determined as follows:

To grant the Premises Licence:

Section A: To allow the performance of a play both indoors and outdoors on Thursday from 10:00 hours to Sunday at 06:00 hours

Section B: To allow the exhibition of films both indoors and outdoors on Thursday from 10:00 hours to Sunday at 06:00 hours.

Section C To allow indoor sporting events on Thursday from 10:00 hours to Sunday at 06:00 hours.

Section D To allow boxing or wrestling entertainments both indoors and outdoors on Thursday from 10:00 hours to Sunday at 06:00 hours.

Sections E To allow live music both indoors and outdoors on Thursday from 10:00 hours to Sunday at 06:00 hours.

Section F To allow recorded music both indoors and outdoors on Thursday from 10:00 hours to Sunday at 06:00 hours.

Section G To allow the performance of dance both indoors and outdoors on Thursday from 10:00 hours to Sunday at 06:00 hours.

Section H To allow anything similar to live music, recorded music or performance of dance both indoors and outdoors on Thursday from 10:00 hours to Sunday at 06:00 hours.

Section L To allow late night refreshment both indoors and outdoors on Thursday from 23:00 hours to Sunday at 05:00 hours.

Section M To allow the supply of alcohol both on and off the premises on Thursday from 10:00 hours to Sunday at 06:00 hours.

Section O To allow the premises to be open to the public on Thursday from 10:00 hours to Sunday at 18:00 hours.

To add the conditions on the Licence as follows:

1. The maximum number of people permitted on the premises at any time shall not exceed: 4999
2. This licence authorises only one event, consisting of not longer than Thursday 10th Aug 2017 to Sunday 13th Aug 2017.
3. The holder of the premises licence, or an agent on behalf of and with the authority of the licence holder, must produce an Event Management Plan addressing methods by which the licence holder proposes to manage the following matters in accordance with the licensing objectives:
 - a. Crowd safety
 - b. Procedures in the event of emergency
 - c. Security and stewarding provisions
 - d. Health and safety policy and risk assessments
 - e. The welfare of persons working at the event site
 - f. The provision of medical facilities
 - g. Accident reporting procedures
 - h. The management of noise to prevent public nuisance
 - i. The prevention of fire
 - j. The use of fireworks
 - k. The safety of food
 - l. The control of litter
 - m. Sanitation provisions
 - n. Water provisions and provision for the disposal of waste water
 - o. Control of refuse and the disposal of waste materials
 - p. The safety of temporary structures
 - q. Traffic management

- r. Provision of facilities for disabled persons
 - s. The structure for the operational management of the event, including the composition and functions of the event liaison team (ELT)
 - t. The responsibilities of personnel engaged at the site
 - u. Missing persons and the safety of children and vulnerable persons
4. The Event Management Plan will include the methods by which the licence holder proposes to manage the 4 licensing objectives:
 - a. The prevention of crime and disorder
 - b. The prevention of public nuisance
 - c. The protection of children from harm
 - d. Public safety
 5. The Event Management Plan need not contain information which, if in the public domain would negate its effect, such as sensitive security planning. Such information will be contained within appendices of the Event Management Plan.
 6. The Event Management Plan and its appendices form part of the operating schedule for this licence and therefore the details specified therein are to be treated as conditions of this premises licence.
 7. A draft version of that Event Management Plan must be sent to the licensing authority so that it is received by them not later than 28 days before the start of any proposed event under this licence. In this licence, the term 'sent' means dispatched in documentary form, or electronically. The term 'received' means to have taken delivery of the Event Management Plan.
 8. Following the delivery of the Event Management Plan, the licence holder, or an agent on behalf of and under the authority of the licence holder, must consult with all responsible authorities and must take due account of any representation made by a responsible authority regarding the content of the Event Management Plan.
 9. Following the consultation with responsible authorities, a revised version of the Event Management Plan must be sent to the licensing authority so that it is received by them not later than 14 days before the start of any proposed event under this licence.
 10. Where two or more versions of the Event Management Plan are produced the respective plans must be clearly marked so as to show the relevant version

number and the date on which it was produced.

11. Subject to items a, b, c and d below, the Event Management Plan must be finalised not later than 14 days before the start of each event and must be sent in final form to the licensing authority.
 - a. Where, following the submission of the final version of the formal document but prior to the commencement of the event, the licence holder considers it necessary to make any adjustment to the Event Management Plan, the proposed adjustment must be notified to the licensing authority who will notify the responsible authorities. No adjustments shall be made to the Event Management Plan unless agreed in writing by the licensing authority.
 - b. Where during the course of the event the licence holder considers it necessary to deviate from any provision within the Event Management Plan, the matter must be brought to the attention of representatives of the relevant responsible authorities and the ELT. Any such decision must be documented by the ELT and any approved deviation shall not constitute a breach of part (d) below.
 - c. The licence holder may at any time prior to an event provide appropriate information to accompany the Event Management Plan. This may include appendices to the Event Management Plan detailing such matters as the names and contact details of persons engaged at the site. Nothing in the conditions of this licence shall prevent the continued flow of information, especially where such information could not reasonably have been known to the licence holder prior to 14 days before the event.
 - d. Where a person placed under a positive obligation to comply with a provision of the Event Management Plan fails to do so, the failure must be regarded as a breach of this condition of the premises licence, provided that the failure on that occasion amounted to a failure to promote one or more of the licensing objectives.
12. The licence holder must obtain written approval for the Event Management Plan from the Licensing Authority at least 14 days prior to the event.
13. Any proposed alteration to the following matters must not be made during the period of the premises licence except by formal variation of the licence:
 - a. The number of days over which the event takes place each year (except for any decrease)
 - b. Any increase in the hours the licensed area is open to the public for

licensable activities (except for any decrease)

- c. The hours during which licensable activities are to take place (except for any decrease)
- d. An increase in the total noise output from stages/structures at the event site beyond that permitted by the below conditions.
- e. The maximum number of persons to be permitted on the premises at any one time.
- f. The perimeter of the licensed area.

14. The designated premises supervisor or his nominated deputy, who must be the holder of a personal licence, must be present on the premises whenever licensable activities are taking place.

15. A written record must be made of any incident impacting on the licensing objectives or the Event Management Plan taking place at the event or of any complaint made by any person that impacts on the licensing objectives. Any such record must be signed and dated by the person making the entry and must be produced to an authorised officer of the local authority or to a police officer on reasonable request.

16. The Licence Holder must ensure that between the days and times specified in the table below that the noise levels (over any 15 minute period) generated from within the Licensed Premises do not exceed the values specified when measured at the nearest noise sensitive premises, or when measured at a distance of one metre from any noise-sensitive premises.

Date	Time	LAeq	Noise levels in the 63Hz and 125Hz octave frequency bands (at noise sensitive premises more than 2km away from the Licenced Premises Only)
Thursday	10:00 to 23:00	65dBA	75dB
	23:00 to 23:59	45dBA	70dB
Friday	00:00 to 01:00	45dBA	70dB

	01:00 to 10:00	35dBA	70dB
	10:00 to 23:00	65dBA	75dB
	23:00 to 23:59	45dBA	70dB
Saturday	00:00 to 01:00	45dBA	70dB
	01:00 to 10:00	35dBA	70dB
	10:00 to 23:00	65dBA	75dB
	23:00 to 00:00	45dBA	70dB
Sunday	00:00 to 02:00	45dBA	70dB
	02:00 to 10:00	35dBA	70dB
	10:00 to 18:00	65dBA	75dB

18. On receipt of a request from the Council's Environmental Health Department, the Licence Holder must ensure that the Designated Person for the purpose of controlling the noise shall arrange for the noise level of any amplified music on the licensed premises (including the camp-sites and car parks) to be reduced or the playing to cease if in the opinion of the Council's Environmental Health Department an unreasonable noise disturbance or a nuisance is being or is likely to be caused, or if the sound levels set by the conditions are exceeded.

19. If a tent is provided that contains adult content signs will be placed at the entrance to the tent advising that persons under the age of 18 are not permitted. During times that the tent contains adult content security staff will be positioned at the entrance to the tent to prevent access by anyone under the age of 18.

20. The boundary of the licensed area is shown on the attached site plan.

21. Challenge 25 will be in operation at the entrance to the event area and at all places where the sale of alcohol is permitted.

22. Signage will be clearly displayed at all places where the sale of alcohol is permitted advising customers that Challenge 25 is in operation.
23. SIA staff will monitor activity at locations where alcohol sales are taking place to ensure that young people are not supplied with alcohol.
24. All security staff, stewards and volunteers will be suitably briefed in their duties prior to the admission of the public to the site and before entertainment provision starts on each event day. This briefing should include, but is not limited to, communications, emergency procedures and welfare.
25. Searching will be carried out by suitably accredited staff at a ratio agreed with Kent Police and any prohibited items will be retained securely by staff.
26. Amnesty bins provided by the organiser at point of entry to the event area, these must be adequately secured and emptied by suitable staff. Any items removed from these bins should be securely stored and dealt with in an appropriate manner.
27. All security staff, stewards and volunteers will wear clothing which makes them easily identifiable to members of the public.
28. All staff are required to wear the correct Personal protective equipment (PPE) for the activities they are undertaking at all times. All PPE must be in a clean and useable state.
29. Public car parking will be managed through experienced traffic management staff that shall be fully visible and identifiable during the duration of the event.
30. Posters will be displayed at all exits requesting attendees leave quietly, this message will be reinforced by stewards and volunteers as necessary.
31. A direct telephone line must be made available in order to receive any complaints from members of the public. The line must be manned for the duration of the event with details provided to the public of event hours. The complaint contact number must be provided to the public at least 5 days prior to the event.
32. A log book will be maintained detailing any incidents and accidents occurring on or within close proximity of the site or any complaints received by any means in relation to the event from any person, responsible authority or staff.
33. No unaccompanied children will be permitted on the event site at any time.

Informative

34. The licence holder will make available to the occupiers of the affected noise

sensitive premises direct telephone contact details.

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.

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.

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."

Exhibition of films

Where the film classification body is specified in the licence, unless subsection (3) (b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

Where -

- (a) the film classification body is not specified in the licence, or
- (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

In this section -

"children" means person aged under 18; and
"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Door supervision

Any premises which includes a condition that door supervisors must be at the premises to carry out a security activity, shall ensure that each such person is licensed to conduct such activities by the Security Industry Authority.

Conditions consistent with the Operating Schedule

The entire operating schedule forms a condition of the licence. This includes a table of days and times with specified noise levels.

The Sub-Committee gave consideration to the representations made including the requirements of Kent Police, the Licensing Objectives, the Statutory Guidance issued under Section 182 of the Act and the Council's Statement of Licensing Policy.

This licence granted at the Hearing is effective from 4 August 2017.

Dated: 4 August 2017

Signed

Chair - Licensing Hearing

Signed

Designation -Licensing Officer

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.

