

LICENSING ACT 2003 - Section 23

Notice of determination for application premises licence

To: Phizzwizards Limited (Neverworld)
of: Wilderness Farm, Wilderness Lane, Hever, Kent. TN8 7LP
Ref: 18/01654/LAPRE

Sevenoaks District Council being the licensing authority, on the 16 May 2018 received an application for a premises licence in respect of premises known as Neverworld, Wilderness Farm, Wilderness Lane, Hever, Kent. TN8 7LP.

On the 12 July 2018 there being valid representations which were received but had not been withdrawn, a hearing was held to consider these representations, and having considered them the Licensing Sub-Committee determined as follows: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 Premises Licence:

- | | |
|------------|---|
| Section A: | To allow the performance of a play both indoors and outdoors on
02 Aug 12:00 to 23:59
03 Aug 00:00 to 23:59
04 Aug 00:00 to 23:59
05 Aug 00:00 to 12:00 |
| Section B: | To allow the exhibition of films both indoors and outdoors on
02 Aug 12:00 to 23:59
03 Aug 00:00 to 23:59
04 Aug 00:00 to 23:59
05 Aug 00:00 to 12:00 |
| Section D | To allow boxing or wrestling entertainments both indoors and outdoors on
02 Aug 12:00 to 23:59
03 Aug 00:00 to 23:59
04 Aug 00:00 to 23:59
05 Aug 00:00 to 12:00 |
| Sections E | To allow live music both indoors and outdoors on
02 Aug 17:00 to 23:00
03 Aug 10:00 to 23:00
04 Aug 10:00 to 23:00 |
| Section F | To allow recorded music both indoors and outdoors on
02 Aug 17:00 to 23:59
03 Aug 00:00 to 01:00
03 Aug 10:00 to 23:59
04 Aug 00:00 to 02:00
04 Aug 10:00 to 23:59 |

05 Aug 00:00 to 02:00
05 Aug 10:00 to 18:00

One small venue (Rainbow Room) will have recorded music until 06:00 each day, all other venues will close at 02:00.

Section G To allow the performance of dance both indoors and outdoors on
02 Aug 17:00 to 23:59
03 Aug 00:00 to 02:00
03 Aug 10:00 to 23:59
04 Aug 00:00 to 02:00
04 Aug 10:00 to 23:59
05 Aug 00:00 to 02:00

Section L To allow late night refreshment both indoors and outdoors on
02 Aug 23:00 to 23:59
03 Aug 00:00 to 05:00
03 Aug 23:00 to 23:59
04 Aug 00:00 to 05:00
04 Aug 23:00 to 23:59
05 Aug 00:00 to 05:00

Section M To allow the supply of alcohol both on and off the premises on
02 Aug 12:00 to 23:59
03 Aug 00:00 to 02:00
03 Aug 10:00 to 23:59
04 Aug 00:00 to 02:00
04 Aug 10:00 to 23:59
05 Aug 00:00 to 02:00

One small venue (Rainbow Room) will serve alcohol until 06:00 Friday, Saturday and Sunday mornings.

Section O To allow the premises to be open to the public
02 Aug 12:00 to 23:59
03 Aug 00:00 to 23:59
04 Aug 00:00 to 23:59
05 Aug 00:00 to 14:00

To add the conditions on the Licence as follows:

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."

4. 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.

5. 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).

Operating Schedule conditions

1. Any plays or wrestling performances provided will be non-amplified and not require the use of any large PA amplification.
2. Posters will be displayed at the main exit asking attendees to leave quietly, stewards will amplify this message verbally.
3. All effects lighting will be contained by the marquees and surroundings trees. Security and site lighting will be positioned to prevent any light spillage into residential windows.
4. Amnesty bins will be provided at the entrances to the campsite and the entrance to the arena.
5. All guests will be searched on entry.
6. Under 18s will wear brightly coloured 'Under 18s' wristband with the telephone number of their elected guardian.
7. Any venue featuring entertainment or material that may be considered explicit or adult will have age restricted entry and will be inside opaque tented venues to prevent access or viewing by children.

The following additional conditions:

1. No Special effects, fireworks, strobes, lasers or pyrotechnic effects are to be used or take place within the licensed premises area without the written approval of the District Council which shall not be unreasonably withheld.
2. All lighting shall be designed to ensure it does not result in unreasonable light trespass/intrusion or glare at nearby residential properties.

3. NOISE

Live Music shall only take place during the following periods

Thursday- 10:00 to 23:00

Friday- 10:00 to 23:00

Saturday- 10:00 to 23:00

Playing of recorded music shall only take place during the following periods

Thursday- 10:00 to 24:00

Friday- 10:00 to 24:00

Saturday- 00:00 to 02:00

Saturday- 10:00 to 24:00

Sunday- 00:00 to 02:00

Playing of low level music may take place during the following periods

Friday- 00:00 to 01:00

Saturday- 02:00 to 06:00

Sunday- 02:00 to 06:00

Sunday- 10:00 to 18:00

The use of microphones by MCs and DJs is permitted only between the hours of 10:00 and 23:00 on any day. Microphones may be used for emergency announcement and spoken word including comedy, cabaret and poetry performance at any other time.

Low level music shall be defined as: recorded music played in association with the consumption of refreshment or other activity which may include dancing. The overriding test shall be that, at any noise sensitive receptor, low level music shall not exceed the specified noise limit and shall not contain bass beats.

4. The following Music Noise Levels shall apply to the event.

Day	Time	LAeq (1 minute) measured at 1 meter from noise sensitive and/ or locations specified in condition 11 & 13	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	60dBA	70
	23:00 to 24:00	35dBA	Low level music - No bass beats
Friday	00:00 to 01:00	35dBA	Low level music - No bass beats
	10:00 to 23:00	60dBA	70
	23:00 to 24:00	45dBA	62dBLZeq(1,63Hz octave) and 59dBLZeq(1,125Hz octave)
Saturday	00:00 to 06:00	35dBA	Low level music - No bass beats
	10:00 to 23:00	60dBA	70
	23:00 to 24:00	45dBA	62dBLZeq(1,63Hz octave) and 59dBLZeq(1,125Hz octave)
Sunday	00:00 to 06:00	35dBA	Low level music - No bass beats
	10:00 to 18:00	60dBA	70

5. Basis of measurement

- (a) Mindful of the difficulty in avoiding noise from aircraft, noise measurements will be recorded in period intervals of 1 minute. Aircraft noise will be redacted and at the end of each 30 minute period the arithmetic mean of the remaining measurements will be calculated. The result will be used as the guide for compliance with licence conditions.

6. At least two weeks prior to the event, the licensee shall provide the Environmental Protection Team with details of all sound equipment, staging and acoustic mitigation proposed to be in use during the event. Such details shall include acoustic calculations / mapping to predict the cumulative MNL and demonstrate how the proposed systems will be sufficient to ensure that the offsite MNL shall not be exceeded.
7. At least two weeks prior to the event a methodology shall be agreed with the Environmental Health Team (confirmed in writing) by which sound propagation

test(s) shall be undertaken. Such testing shall include all sound stages and shall take place prior to any regulated entertainment taking place.

8. The sound propagation testing will take place between 20:00 and 21:00 on Wednesday 1st August 2018.
9. The Environmental Health Team will be notified at least 2hrs in advance of testing taking place to allow for officers to be present during sound checks.
10. The licensee shall nominate, in writing, a sound engineer who throughout the course of the event shall be in control of the Music Noise Level (MNL). This sound engineer shall operate independently of any DJ, or artiste in all music areas within the licensed site.
11. The licensee's sound engineer shall take continuous noise measurement readings from a minimum of three locations agreed in advance of the event with the District Council's Environmental Protection Officer. The monitoring locations will be sited so as to be representative residential exposure to the MNL from the event at Truggers Lane, Rectory Lane and Markbeece. A fourth offsite monitor will be supplied for use if necessary.
12. Data from these monitoring locations shall be made available via remote reporting to the Environmental Protection Officer via a dedicated web-portal or similar throughout the course of the event.
13. The licensee's sound engineer shall take additional noise measurement readings as necessary to ensure compliance at noise sensitive properties.
14. At all times during the playing of regulated or unregulated entertainment, the licensee shall nominate in writing a minimum of 4 persons who shall assist the licensee's sound engineer with onsite management of the MNL. These nominated persons shall carry out any and all instructions given by the licensee's sound engineer or the District Council's Environmental Protection Officer to reduce or modify the MNL to ensure compliance with the relevant noise conditions.
15. The licensee shall maintain a complaint telephone line throughout the event. The licensee shall ensure that where a mobile telephone is to be used, that an appropriate network provider is selected to ensure good network service during the course of the event. This telephone number shall be provided to the Environmental Health Team at least two weeks in advance of the event.
16. During the event the licensee shall ensure that calls are answered and responded to within 15 minutes. A schedule of persons responsible for monitoring the complaint telephone will be supplied to the licensing authority.
17. Where anonymous complaints are received, the licensee shall make reasonable effort to investigate the details of the complaint and take action as appropriate. Public information will ask callers to provide a postcode in order to locate complaints, however they will not be required to supply names or telephone numbers.

18. All calls shall be logged. The Environmental Protection Team shall have online view of the event noise log at all times.
19. Where calls are received in respect of the MNL, the licensee shall visit the area in focus and undertake noise measurements to ascertain the validity of the complaint. Where MNLs are found to exceed those in condition 4. Immediate steps will be taken to reduce the MNL to the levels agreed.
20. At least 1 week prior to the event the licensee will send a letter to all residents within 1km of the event site. The wording of the letter shall be provided to the Environmental Protection Team and will as a minimum contain the following:
 - (a) Details of event timings
 - (b) Information on agreed noise levels
 - (c) Details of complaints procedure (including complaint telephone line)
 - (d) Steps that will be taken to rectify complaints.
21. No Helicopter landings or take offs, other than any required in response to an emergency, shall take place at the premises for the duration of the event.
22. Challenge 25 will be in operation at the entrance to the event area and at all places where the sale of alcohol is permitted.
23. Signage will be clearly displayed at all places where the sale of alcohol is permitted advising customers that Challenge 25 is in operation.
24. 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.
25. 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.
26. 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.
27. It shall be a condition of entry that each attendee will be searched upon entry to the event site. All searching will be carried out by suitably accredited staff and any prohibited items will be retained securely by staff.
28. 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.
29. All security staff, stewards and volunteers will wear clothing which makes them

easily identifiable to members of the public.

30. 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.
31. Key staff shall be issued with a radio; this includes key staff at the site of each licensable activity and the security team
32. All staff shall be provided a contact sheet prior to the event stating the frequencies each team will be using on the radio and a list of mobile numbers in the event of radio failure.
33. Public car parking will be managed through experienced traffic management staff that shall be fully visible and identifiable during the duration of the event.
34. Posters will be displayed at all exits requesting attendees leave quietly, this message will be reinforced by stewards and volunteers as necessary.
35. 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.
36. 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. 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.
37. No unaccompanied children will be permitted on the event site at any time.
38. 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.

This licence granted at the Hearing is effective from the 12 July 2018.

Dated: 12 July 2018.

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.