

**REPORT TO LICENSING SUB-COMMITTEE FOLLOWING RECEIPT OF REPRESENTATIONS IN RELATION TO AN APPLICATION FOR A NEW PREMISES LICENCE MADE UNDER THE LICENSING ACT 2003 FOR NEVERWORLD (WILDERNESS FARM, WILDERNESS LANE, HEVER, KENT TN8 7LP (19/00902/LAPRE)).**

**Licensing Sub-Committee - 3 June 2019**

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

Status For Decision

Key Decision No

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**Executive Summary:**

This report provides members with information relating to a time-limited Premises Licence application under The Licensing Act 2003 in respect of Neverworld, Wilderness Farm, Wilderness Lane, Hever, Kent. TN8 7LP.

The proposed time-limited Premises Licence is intended to commence from Thursday 1<sup>st</sup> August 2019 and run consecutively until Sunday 4<sup>th</sup> August 2019. It proposes to provide regulated entertainment (Plays & Films) on a 24 hours basis but the provision of live and/or recorded music and the sale of alcohol until 03:00am; the site has a maximum capacity of 4999 person(s).

The time-limited Premises Licence granted for Neverworld in 2018 was approved at a Licensing Sub-Committee and conditions were imposed. The decibel levels set in the conditions of the Premises Licence proved problematic to achieve and complaints from nearby residents were received. The Event Management Team acted swiftly and took action to resolve the nuisance by closing the event early, as promised to the Licensing Sub-Committee at the hearing dated 12<sup>th</sup> July 2018.

Representations have been received from 5 local residents, Environmental Protection and Chiddingstone Parish Council.

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**Contact Officer** Michael Moss, Ext. 7364

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**Recommendation to Licensing Sub-Committee:**

Options available to members are:

- a) To grant the Application in full on the terms and conditions contained within the operating schedule along with relevant mandatory conditions
  - b) To grant the application, modified to such an extent as considered
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appropriate in order to satisfy any relevant representations so as to adequately promote the licensing objectives

- c) To exclude from the scope of the licence any of the licensable activities
- d) To refuse to specify a person in the licence as the premises supervisor
- e) To refuse the application in its entirety.

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#### **Reason for recommendation:**

Each application 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.

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#### **Introduction and Background**

##### **Introduction**

- 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 12<sup>th</sup> March 2019 a new time-limited premises licence application was made by Phizzwizards Ltd Room 33-39 High Street, Kempston, Bedford MK42 7BT. A copy of the time-limited application is attached as **Appendix 1**.
- 3 The application was initially invalid upon submission, but validated on 29<sup>th</sup> March 2019 which made the end of the statutory consultation period the 26<sup>th</sup> April 2019. The Public Notice(s) were displayed from 1<sup>st</sup> April 2019 and therefore the public consultation expired on 29<sup>th</sup> April 2019.
- 4 A holder of a Premises Licence, when offering any licensable activity, must ensure they promote the licensing objectives at all times. The Operating Schedule of the application which is contained in a separate document attached as **Appendix 2** contains details of the control measures that the applicant will have in place in order to promote the licensing objectives.
- 5 The premises application is proposed to permit the Neverworld Festival 2019 within Hever camping fields which is a woodland area totalling approximately 43 hectares. The site location and layout plans are attached as **Appendix 3**.
- 6 The proposed operating times of each zone is attached as **Appendix 4**.

## Background Information

- 7 Under the name **Leefest**, similar time-limited festivals have been held on the same site between 28-31 July 2016, 10-13 August 2017. The festival was rebranded in 2018 under the name **Neverworld** and also implemented a change to their management structure; the festival took place between 2-5<sup>th</sup> August 2018.
- 8 Each of these festivals provided similar activities to those applied for under this Premises Licence application and the ethos of the festival has not changed over the years, catering for a mix of family as well as individuals; the average age bracket of attendees will be between 23 to 35.
- 9 While there were some issues when the festival was under the Leefest branding, there were some noticeable improvements in organisation and control of Neverworld 2018. Communication between the organisers and all relevant parties was improved and the organisers demonstrated their professionalism when they closed the event early on Saturday 4<sup>th</sup> August 2018 due to non-compliance with the conditions imposed.
- 10 While submission of the relevant paperwork required to assess an application under the Licensing Act 2003, is still something which needs to be worked on in future years, there has been some minor changes to the proposal in respect to times.
- 11 Key changes in comparison with the Premises Licence awarded in 2018 include:
  - Sale of Alcohol - Increased from 02:00 to 03:00hrs
  - Performance of Dance - Increased from 02:00 to 03:00hrs
  - Recorded Music - Stays the same at 02:00hrs with the exception of Thursday evening which is increased from 01:00 to 02:00hrs.
  - The Rainbow Room was specifically mentioned on the Premises Licence to provide regulated entertainment until 06:00hrs; this year the stage/ room has not be identified on the application form and is proposed to play unlicensable background music until 03:00hrs.
  - Live Music - Increase from 23:00 to 02:00hrs
  - Wrestling - Reduction from 24 hours to 02:00hrs.
  - The conditions agreed between the organisers, Kent Police and Environmental in 2018 were not submitted as part of the operating schedule this year.

## Statement of Intention

- 12 Neverworld has evolved over the last 10 years from Leefest. The aim is to bring people together by providing a small scale, family friendly music and arts festival to celebrate life and be inspired by the arts by supporting emerging artists, engaging communities while allowing people to enjoy the outdoors as part of the great British festival experience.
- 13 The website promoting Neverworld by Leefest says it is “a spectacular immersive kingdom of music, party and wonder” and gives the following statements:
  - “Lee Denny is the next Michael Eavis” - BBC Radio 1
  - “A fantastic unpretentious party vibe” - The Guardian
  - “This feels like a mini Glastonbury” - Annie Mac
  - “The Ultimate Party!” - NME
- 14 Attendees have been informed under the terms and conditions the promoter reserves the right to make changes to the advertised line-up, artists, performers, attractions and activities at any time without notification.
- 15 The event programme consists of a wide range of art forms and activities including; live music, DJ’s, cabaret, communal campfire, cinema, circus, comedy, craft makers and workshops, dance classes, games, sports, glitter wrestling, kids area, art installations, magic, paint fights, spoken word, street foods, theatre, therapies, debates and yoga.
- 16 This year is proposed to headline Craig David and The Vaccines, both of which are high profile recognised artists.
- 17 **Craig David** is an English singer, songwriter, rapper and record producer who rose to fame in 1999. After 20 years in the industry he continued to be the winner of the Best Male at the 2016 MOBO Awards and has sold 2.1 million single sales and 117 million single streams in the last year and a headline arena tour which sold out.
- 18 **The Vaccines** are an English indie rock band formed in 2010. They were the winners of the Best Emerging Talent in 2011 and went on to win the Best New Band in the 2012 NME Awards. The band have released four studio albums and have toured extensively, playing with and opening up for acts such as The Rolling Stones, Arctic Monkeys, The Stone Roses, Red Hot Chili Peppers and Muse.

## Event Overview

19 An overview of the event and the licensing activities being applied for are:

Date:	1 <sup>st</sup> August - 4 <sup>th</sup> August 2018
Location:	Wilderness Farm (Hever TN8 7LP)
Premises Type:	Outdoor woodland area
Site capacity:	4999
Event Type:	Community festival with amplified music outdoor under controlled arenas
Audience Profile:	Over 18s
Proposed hours of operation:	Thursday 2 Aug: 12:00 - 23:59 Friday 3 <sup>rd</sup> Aug: 00:00 - 23:59 Saturday 4 <sup>th</sup> Aug: 00:00 - 23:59 Sunday 5 <sup>th</sup> Aug: 00:00 - 12:00

20 The application seeks a premises licence to permit the following activities:

### **Performance of Plays both indoors and outdoors**

01 Aug 12:00 to 23:59

02 Aug 00:00 to 23:59

03 Aug 00:00 to 23:59

### **Exhibition of films both indoors and outdoors**

01 Aug 12:00 to 23:59

02 Aug 00:00 to 23:59

03 Aug 00:00 to 23:59

04 Aug 00:00 to 03:00

### **Boxing and wrestling both indoors and outdoors**

01 Aug 12:00 to 23:59

02 Aug 00:00 to 02:00

02 Aug 10:00 to 23:59  
03 Aug 00:00 to 02:00  
03 Aug 08:00 to 23:59  
04 Aug 00:00 to 02:00

**Performance of live music both indoors and outdoors**

01 Aug 12:00 to 23:59  
02 Aug 10:00 to 23:59  
02 Aug 00:00 to 02:00  
03 Aug 10:00 to 23:59  
04 Aug 00:00 to 02:00

**Playing of recorded music both indoors and outdoors**

01 Aug 12:00 to 23:59  
02 Aug 00:00 to 02:00  
02 Aug 10:00 to 23:59  
03 Aug 00:00 to 02:00  
03 Aug 10:00 to 23:59  
04 Aug 00:00 to 02:00

**Performance of dance both indoors and outdoors**

01 Aug 12:00 to 23:59  
02 Aug 00:00 to 03:00  
02 Aug 10:00 to 23:59  
03 Aug 00:00 to 03:00  
03 Aug 10:00 to 23:59  
04 Aug 00:00 to 03:00

**Late night refreshment both indoors and outdoors**

01 Aug 23:00 to 23:59  
02 Aug 00:00 to 03:00  
02 Aug 23:00 to 23:59  
03 Aug 00:00 to 03:00  
03 Aug 23:00 to 23:59  
04 Aug 00:00 to 03:00

**Sale of alcohol for consumption on the premises only**

01 Aug 12:00 to 23:59  
02 Aug 00:00 to 03:00  
02 Aug 08:00 to 23:59  
03 Aug 00:00 to 03:00  
03 Aug 08:00 to 23:59  
04 Aug 00:00 to 03:00

- 21 The films shown will be classified with age limits by the British Board of Film Classification.
- 22 On page 6 of the application form the applicant has ticked box (h) for any regulated entertainment of a similar description to live music, recorded

music or performance of dance. The activities proposed and discussed fall within the licensable activities proposed and any other entertainment would be deemed as a street performance.

- 23 Members are reminded that they may only have regard to promotion and upholding of the licensing objectives in relation to the licensable activities under the Licensing Act 2003 in determining this application. It is however an offence to undertake any licensable activity other than in accordance with a licence or other authorisation under the 2003 Act.
- 24 One venue will have recorded background music (incidental and therefore not licensable) until 03:00hrs each day, with all other venues closing by 02:00hrs. Incidental music is low level music which does not require two individuals to raise their voices in order to have a conversation.

### **Prevention of Crime & Disorder**

- 25 The organisers will be operating amnesty bins at the entrance to the event and to the arena. The festival operates a zero tolerance policy and persons found with drugs will have them confiscated, the individual detained and the Police informed.
- 26 While violence is not expected from the profile of those attending, measures will be in place to prevent and/ or deal with incidents effectively. A licensed security team will be available for immediate deployment on or off the site when necessary.
- 27 The security team will also carry out a post event crowd dispersal plan to minimise any disorder or potential public nuisance.

### **Door Supervisors, Stewards & Marshalls**

- 28 SIA licensed security will be used in any position where searching, refusal of entry, patrolling or intervention may be required.
- 29 Stewards and volunteers will be used to assist with general information, the team will not replace or replicate the provisions of the SIA licensed security team; stewards and volunteers will be trained before the event commencement.

### **Age Verification Policy**

- 30 Adult wristbands will be given to those 18 and over to help prevent underage drinking.

- 31 Brightly coloured wristbands will be issued to identify individuals, who are under the age of 18 and any children under 12 will be given a wristband with the contact details of their Parent(s)/ Guardian(s).

## **Public Safety**

### **Capacity limitations and gate management**

- 32 The event capacity will be capped at a maximum of 4999 people.

### **Risk Assessment & method statements**

- 33 The current version of the Event Management Plan, which will detail the steps taken in case of an emergency, is attached as **Appendix 5**
- 34 Prior health & safety checks, risk assessment & method statements will be carried out on temporary structures, sound & light, electrical, vehicle access, emergency exits etc.... to ensure public safety over all aspects.

### **Barriers & Fencing**

- 35 Anti-climb heras fencing will be used to enclose the site erected in line with the site map. Suitable safety barriers will be used in front of stages and to cordon off non-public areas, such as around generators, trip hazards and to form lane queues.
- 36 Walkways will be marked by stakes and rope and be lit using festoon lighting powered by generators.

### **Medical provisions & emergency vehicles**

- 37 The applicant has stated 'a number' of vehicle routes will be created and kept clear to provide the best possible access to emergency vehicles in the event of an emergency.
- 38 The provision of first aid during the event will be provided by 'Event Fire & Medical Solutions'. They will be the first responders in any medical emergency and will be responsible for telephoning the emergency services if it is required.
- 39 A 50m diameter exclusion zone, east of the site has been reserved should the air ambulance be required to attend.

## Prevention of Public Nuisance

### Sound and Noise Management

- 40 At the time of writing this report a Noise Management Plan (NMP) has not been submitted to the Licensing Authority
- 41 In the supporting documentation submitted by the applicant, exhibited under **Appendix 2**, there is not much detail on the steps being taken to prevent a Public Nuisance and suggests further information will be provided in an Event Noise Assessment & Noise Management Plan.
- 42 The production dates start from 20<sup>th</sup> July 2019 when the build shall take place, followed by the four day event and then breakdown and clearing of the site shall finish by 10<sup>th</sup> August 2019.

### Consultation

- 43 The regulations to the Licensing Act 2003 outline the requirements for the advertising of applications. These require the applicant to advertise the application:
  - a. For a period of no less than 28 consecutive days starting on the day after the day on which the application was given to the relevant licensing authority to display a white notice prominently at or on the premises to which the application relates where it can be conveniently read from the exterior of the premises. It was noted that the notice was displayed upon the premises for the 28 day consultation period which ended 29<sup>th</sup> April 2019.  
  
The public notice was displayed along the boundary line of Wilderness Farm and inspected by the Licensing Officer on 12<sup>th</sup> April 2019 and again on 24<sup>th</sup> April 2019.
  - b. By publishing a notice in a local newspaper on at least one occasion within 10 working days of submitting the application.
- 44 Regulations also require that the applicant give a copy of the application to each responsible authority on the same day as the day upon which it is given to the licensing authority. As the application was submitted electronically, the requirement to serve the application was met by the licensing authority.
- 45 There are no other statutory requirements for advertising of any application, however, details of all applications received along with the time limit for receipt of representations is posted on the Council website via the weekly premises tracker and the public and councillors have public access.

**Representations received from statutory consultees:**

<b>Kent Fire &amp; Rescue Service</b>	<b>NO COMMENTS RECEIVED</b>
<b>Trading Standards</b>	<b>NO COMMENTS RECEIVED</b>
<b>Social Service</b>	<b>NO COMMENTS RECEIVED</b>
<b>Environmental Health and Safety</b>	<b>REPRESENTATION MADE</b>
<b>Public Health Department</b>	<b>NO COMMENTS RECEIVED</b>
<b>Environmental Protection</b>	<b>REPRESENTATION MADE</b>
<b>Development Control</b>	<b>REPRESENTATION MADE</b>
<b>Kent Police</b>	<b>NO COMMENTS RECEIVED</b>

- 46 **Development Control** - raised no objection with the application.
- 47 **Environmental Protection and Health & Safety** commented “Unfortunately, despite the Environmental Health Team working with the operators of the festival for several years, I continue to have concerns about the proposed Music Noise Levels (MNL) and intended management controls. In 2018, it was agreed that, owing to regular overflights by aircraft, the 15 minute LAeq MNL measurement period for compliance was inappropriate. I am therefore disappointed that the applicant has reverted to a measurement period which is ineffective in this location. I consider that MNL should be measured in 1 minute LAeq periods, with compliance assessed on the basis of an arithmetic mean calculated every 30 minutes following the redaction of measurement periods containing aircraft noise.
- 48 The monitoring undertaken by Environmental Health in 2018 suggests that on the Saturday night of the event, 45dBA was not easily achieved whilst running the multiple sound stages and further difficulty was experienced achieving the 35dB(A) level (which in 2019 is intended from 01:00 each night). During the 2018 event, the District Council received 18 complaints about noise from the site. Unlike in previous years these were not received from one geographic location and the event appears to have affected a much wider group of residents than in previous years. Having consideration to the problems in 2018, I am, at this stage, reluctant to support the increase in MNL being proposed by the applicant.
- 49 In particular I oppose the proposed increase in MNL’s and event times on Thursday night/ Friday morning. Friday remains a working day for the

majority of residents in the vicinity of the event, and they should be afforded protection on this night of the event with the music finishing at 23:00.

- 50 The Environmental Health Team and the applicant have, over the past three events, discussed and agreed a number of conditions intended to mitigate the impact of the event upon nearby residents. These have including acoustic controls, communication with residents, defined monitoring parameters (including specified monitoring locations), clear and agreed procedures to deal with noise exceedances and the maintenance/ publication of records. Unfortunately the current application does not sufficiently address these issues and the applicant has neither adopted the conditions previously set or suggested equivalent alternatives.
- 51 With consideration to the above; currently I am concerned that the event will give rise to a public nuisance and therefore I object to the application.” The full representation is attached as **Appendix 6**.

#### **Representation received from the Parish Council(s):**

- 52 The proposed site impact on residents served by two Parish Councils, that being **Hever Parish Council** and **Chiddingstone Parish Council**; only Chiddingstone Parish Council has made formal a representation.
- 53 Chiddingstone Parish Council said they would be in support of of the application providing that
1. The decibel level on Friday morning between midnight and 2am is no higher than 35Db
  2. The decibel level on Saturday morning and Sunday morning between midnight and 2am is no higher than 45dB.
  3. The decibel levels throughout the rest of the festival are the same as last year.
- 54 Chiddingstone Parish Council have stated “anything higher than those levels would constitute a public nuisance... the Parish Council will change their support comment to object. The Parish Council is supportive of the reduction in hours for recorded music as last year the 6am finish raised objection locally”; the full representations from Chiddingstone Parish Councils is exhibited as **Appendix 7**

#### **Representations received from interested parties:**

- 55 4 objections received from Local residents (**Appendix 8**) that have not been withdrawn.

- 56 Primarily the representation received concern noise pollution and litter. It is important to note that whilst representations were received and accepted as valid by the Licensing Officer, not all representations are valid in their entirety and invalid aspects of each representation may not be considered.
- 57 Valid aspects to consider are those which directly relate to one or more of the licensing objectives and are not regulated by other means such as in other legislation for example traffic matters, parking, wildlife, disease, drugs and planning matters.
- 58 Any representations that are concerned with the noise that would accompany the setting up and dismantling of stages, marquees and other equipment relating to the event cannot be taken into account as the premises licence can only be granted for the licensable activity and this does not extend to set up or clearing up before and after the event. Such matters are however covered under separate legislation e.g. Environmental Protection Act 1990, with regard to noise and as such it is not appropriate to condition any licence that may be granted in respects of peripheral works both before and after the event as there would be no power to enforce such a condition under any licensing legislation.

1 letter of support from Local Resident (**Appendix 9**)

#### **Summary of representation received**

- 59 “I attended the festival passing through no security checks and without a ticket.”
- 60 “Despite being assured that the licensed noise levels would mean that it would be practically inaudible in my home, the noise and bass on the first floor, where our bedrooms are, was unbearable”
- 61 “Despite employing ‘Sound Control Contractors’, they have shown that they are incapable of working within the boundaries set.”

#### **Neverworld 2018 Summary**

- 62 Without prejudice, the Officer would like to draw to Members’ attention to issues that they may wish to consider.
- 63 This event is now in its fourth year, yet noise nuisance has always been of particular concern considering the rural nature of the site. Historically the Council has received complaints in respects to noise nuisances but the systems in place to resolving these matters in 2018 worked much better than in previous years. The organisers claimed last year to have spent more money on noise engineers and made some significant changes in regards to the direction that sounds would travel towards and particular care was taken over monitoring Truggers Lane.

## Conditions to be imposed on the Premises Licence

**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."

#### 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.

#### Operating Schedule conditions

The following conditions have been offered as part of the operating schedule, though the specific wording used may wish to be reviewed and agreed at the hearing.

- (1) Any plays provided will be non-amplified.
- (2) Any wrestling will not require the use of any large PA amplification.
- (3) The Main Stage (Operating Friday & Saturday only) will close at 00:00hrs.
- (4) The Main Stage will have a short pyrotechnic show before 23:00hrs on Saturday 3<sup>rd</sup> August 2019.
- (5) Posters will be displayed at the main exit asking attendees to leave quietly, stewards will amplify this message verbally. 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.
- (6) Locked amnesty bins will be provided at the entrances to the campsite and the entrance to the arena.
- (7) All attendees will be search upon entry.

- (8) Under 18s will wear brightly coloured 'Under 18s' wristband, children under the age of 12 will wear a similar wristband with the telephone number of their elected guardian.
- (9) 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.

## **Key Implications**

### Financial

None directly arising from this report.

### Legal Implications and Risk Assessment Statement

The 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 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

### 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.

## **Conclusion**

Under the Licensing Act 2003 in England and Wales the determination of an application for a premises licence where representations have been made can be made by a sub-committee as arranged by the licensing committee (section 10(4)(a))

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

Members are to make any decision they deem reasonable and proportionate given the reference to the requirements of the Act, revised guidance, Council's Statement of Licensing Policy and representations and testimony at hearing.

At a hearing the Licensing Authority may decide:

1. To grant the application in full on the terms and conditions contained in the operating schedule along with relevant mandatory conditions.
2. To grant the application, modified to such an extent as considered appropriate in order to satisfy any relevant representations so as to adequately promote the licensing objectives
3. To exclude from the scope of the licence any of the licensable activities
4. Refuse to specify a person in the licence as the premises supervisor
5. To refuse the application in its entirety

All decisions of the Licensing Authority and any conditions imposed must be appropriate for the promotion of the licensing objectives.

### **Appendices**

Appendix 1 - Application Form

Appendix 2 - Operating Schedule

Appendix 3 - Plan(s)

Appendix 4 - Time Zones (Event Plan)

Appendix 5 - Management Plan

Appendix 6 - Environmental Protection Representation

Appendix 7 - Parish Council(s) comments

Appendix 8 - Representations from residents

Appendix 9 - Support from resident

### **Background Papers**

[The Licensing Act 2003](#)

[Sevenoaks District Council Statement of Licensing Policy](#)

[Amended Guidance under Section 182 of the Licensing Act 2003](#)

**Richard Wilson**

**Chief Officer for Environmental & Operational Services**