

## LICENSING ACT 2003 - Section 23

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### Notice of determination for application premises licence

**To:** The Kent Food Fest LTD

**of:** Lullingstone Castle, Lullingstone Lane, Eynsford, Kent. DA4 0JA

**Ref:** 19/00660/LAPRE

Sevenoaks District Council being the licensing authority, on the 21 February 2019 received an application for a premises licence in respect of premises known as The Food Fest, Lullingstone Castle, Lullingstone Lane, Eynsford, Kent. DA4 0JA

On the 31 May 2019 there being valid representations which were received had not been withdrawn, a hearing was held to consider these representations, and having considered them the Licensing Sub-Committee determined as follows: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 E: To allow Live music outdoors on

01 Jun 12:00 to 21:00

02 Jun 12:00 to 18:00

Section M: To allow the supply of alcohol for consumption on the premises on

01 Jun 12:00 to 21:00

02 Jun 12:00 to 18:00

Section O: To allow the premises to be open to the public on

01 Jun 11:00 to 21:00

02 Jun 11:00 to 18:00

#### 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."

**The following additional Conditions:**

1.

- (1) marshalls in high-vis jackets be sited at the railway station, Antony Roper School car park and Lullingstone Park car park to advise members of the public that a shuttle bus is available to take them to the venue and to protect them from the safety risks arising from walking along the highway to the venue.
- (2) netting or other suitable protective barriers be installed along the footbridge to protect those pedestrians who use the footbridge, especially in the event of an emergency evacuation.
- (3) adoption in full the following conditions from Environmental Health
  - (a) The following Music Noise Levels shall apply to the event.

Day	Time	L <sub>Aeq</sub> (15 minute) measured at 1 meter from noise sensitive premises	Noise levels in the 63Hz and 125Hz octave frequency bands (at noise sensitive premises more than 2km away from the Licensed Premises Only)
Saturday	11:00 to 21:00	65dBA	70
Sunday	12:00 to 18:00	65dBA	70

- (b) The licensee shall nominate, in writing, a suitably qualified and experienced 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.
- (c) The organisers operate a policy that the sound system must be designed to ensure that the lowest amount of acoustic power is used to achieve satisfactory entertainment sound levels.
- (d) The design of each loudspeaker system will be undertaken by a competent person with an understanding of environmental noise issues.
- (e) The system will be designed with consideration to the directivity and scope of coverage of the loudspeaker systems.
- (f) The sound systems will be equipped with a suitable limiting device.
- (g) Access to the limiting device shall be permitted to authorised

persons only.

- (h) System design shall be conducted with reference to any special characteristics of the topography or geography of the site.
- (i) A sound propagation test will take place immediately prior to the event and noise levels will be fixed at the mixing desk or similar to ensure that the specified levels cannot be exceeded at noise sensitive properties.
- (j) At an interval of at least once per hour the acoustic consultant shall undertake measurements, 1m from the façade of the nearest noise sensitive premises or locations as agreed by the Environmental Health Team.
- (k) The music noise level shall be measured using an integrating-averaging sound level meter complying with type 2 of BS6698. Time weighting F (fast response) should be used.
- (l) The Licensee shall ensure that adequate communications methods (site radios/ designated mobile phone channels) are in place to enable the appointed acoustic consultant to communicate quickly and effectively with relevant sound engineers from offsite monitoring locations.
- (m) All measurements shall be provided to the District Council within 5 working days following the event.
- (n) 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. A telephone number shall be provided to the Environmental Health Team.
- (o) 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.
- (p) 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.
- (q) 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 3, immediate steps will be taken to reduce the MNL to the levels agreed.

- (r) All calls shall be logged. The Environmental Protection Team shall have online view of the event noise log at all times.

This licence granted at the Hearing is effective from the 31 May 2019.

Dated: 31 May 2019.

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.